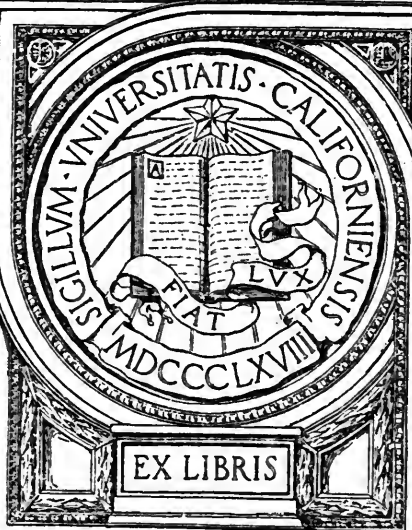


GIFT OF
Austin city clerk.

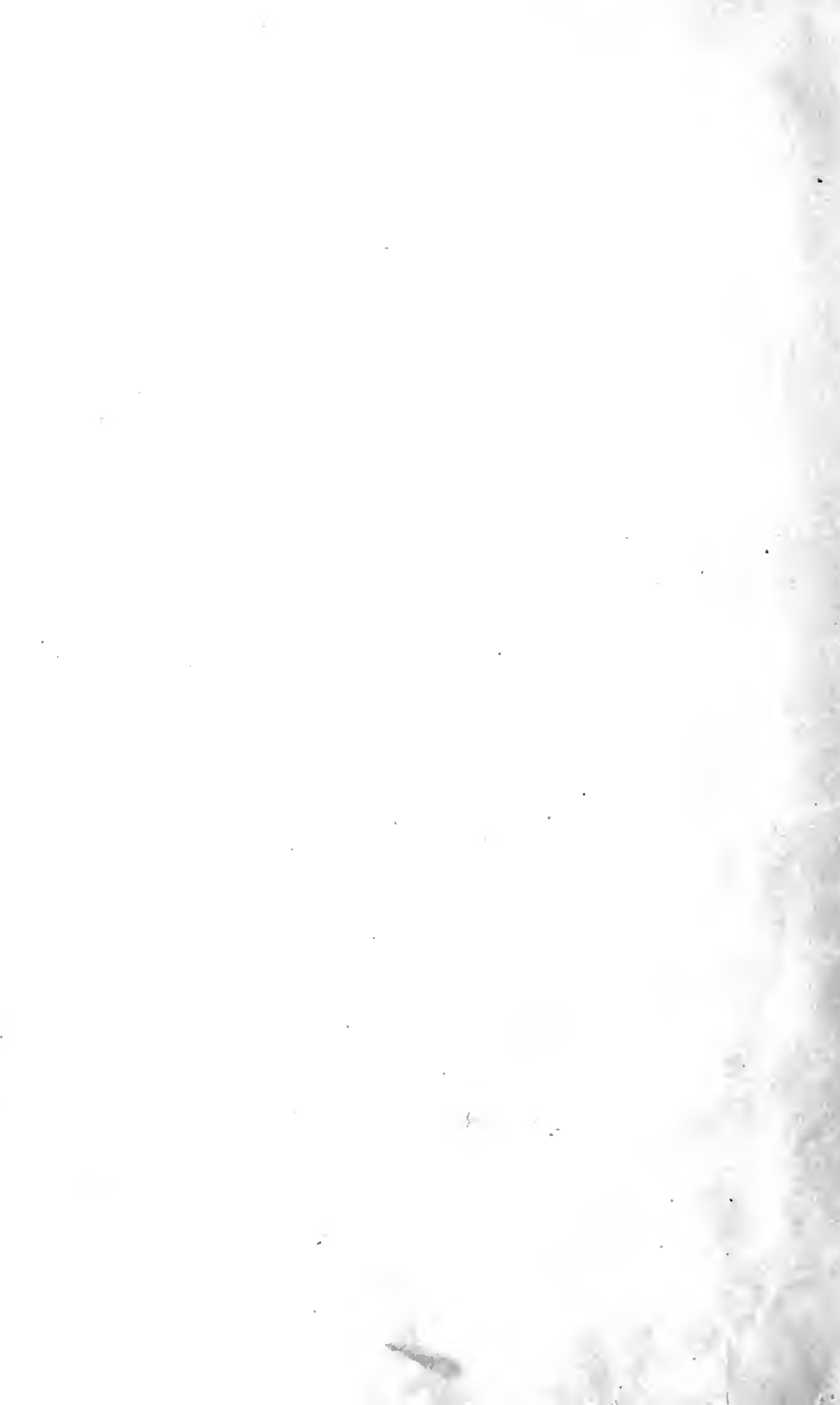


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REVISED ORDINANCES

OF THE

CITY OF AUSTIN.

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1908

Life of City Clerk

AUSTIN, TEXAS:
VON BOECKMANN-JONES CO., PRINTERS
1908

MAYORS OF THE CITY OF AUSTIN, TEXAS, FROM THE FOUNDATION OF THE CITY GOVERNMENT.

EDWIN WALLER.	B. F. CARTER.	JNO. W. ROBERTSON.
S. G. HAYNIE.	JAS. W. SMITH.	JOSEPH NALLE.
GEO. J. DURHAM.	W. H. CARR.	JNO. McDONALD.
THOS. WM. WARD.	LEANDER BROWN.	LEWIS HANCOCK.
JNO. S. FORD.	JNO. W. GLENN.	JNO. D. MCCALL.
J. T. CLEVELAND.	T. B. WHEELER.	R. E. WHITE.
E. R. PECK.	J. C. DEGRESS.	W. D. SHELLEY.
THOS. E. SNEED.	L. M. CROOKER.	F. M. MADDOX.
	W. A. SAYLOR.	

PRESENT CITY OFFICERS.

F. M. MADDOX.....	Mayor.
W. D. HART.....	City Attorney.
JNO. O. JOHNSON.....	City Clerk.
W. J. MORRIS.....	City Marshal.
FRED STERZING.....	City Assessor and Collector.
HENRY ZILLER	Assistant City Assessor and Collector.
AUGUST ZILLER	Assistant City Assessor and Collector.
JAS. W. LOVING.....	City Physician.
G. S. IREDELL.....	City Engineer.
WM. VON ROSENBERG.....	City Recorder.
J. W. CLOUD.....	Assistant City Attorney.
W. L. NITSCHKE.....	City Sexton.
H. A. WROE.....	City Treasurer.

BOARD OF ALDERMEN.

W. D. MILLER.....	First Ward.
W. C. REDD.....	First Ward.
W. J. SUTOR.....	Second Ward.
A. E. CUNEO.....	Second Ward.
TOM D. SMITH.....	Third Ward.
L. M. CROOKER.....	Third Ward.
CHAS. J. ARMSTRONG.....	Fourth Ward.
J. M. MEREDITH.....	Fourth Ward.
HENRY PETRI	Fifth Ward.
C. J. WILHELM.....	Fifth Ward.
FRED A. SCOTT.....	Sixth Ward.
HARRY L. HAYNES.....	Sixth Ward.
C. B. MORELAND.....	Seventh Ward.
C. W. MOORE.....	Seventh Ward.

WATER AND LIGHT COMMISSIONERS.

GEO. L. HUME.	R. A. THOMPSON.
D. H. CASWELL.	J. P. SCHNEIDER.

R. C. BROOKS,
Superintendent Water and Light Plant.



REVISED ORDINANCES
OF THE
CITY OF AUSTIN.

AN ORDINANCE TO ADOPT AND ESTABLISH THE REVISED ORDINANCES
OF THE CITY OF AUSTIN.

WHEREAS, It is expedient that the general ordinances of the City of Austin should be arranged in appropriate titles, chapters and articles, that the omissions and defects therein should be supplied and remedied; and that the whole should, as far as practicable, be made concise, plain and intelligible; therefore,

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That the following titles, chapters and articles shall hereafter constitute and be the Revised Ordinances of the City of Austin, towit:

Title I. "Additions to City, and Maps Thereof."

Chapter 1. "Regulation of," Articles 1 to 4, inclusive.

Title II. "Animals."

Chapter 1. "Prevention of Cruelty to," Articles 5 and 6.

Chapter 2. "Prevent Running at Large," Articles 7 to 20, inclusive.

Chapter 3. "Dogs," Articles 21 to 33, inclusive.

Chapter 4. "Hogs," Article 34.

Chapter 5. "Dead Bodies of," Articles 35 to 39, inclusive.

Title III. "Auctions and Auctioneers."

Chapter 1. "Regulation of," Articles 40 to 43, inclusive.

Title IV. "Automobiles."

Chapter 1. "Regulation of Use of," Articles 44 and 45.

Title V. "Bill Posters."

Chapter 1. "Regulation of," Articles 46 and 47.

Title VI. "Birds."

Chapter 1. "Protection of," Articles 48 and 49.

Title VII. "Buildings in City."

- Chapter 1. "Regulation of," Articles 50 to 55, inclusive.
- Chapter 2. "Unsafe, Removal of," Articles 56 to 58, inclusive.

Title VIII. "Calendar of City."

- Chapter 1. "Year, Fiscal," Article 59.
- Chapter 2. "Day, Eight-Hour," Articles 60 to 62, inclusive.
- Chapter 3. "Time, Standard," Article 63.

Title IX. "Cemeteries."

- Chapter 1. "Designation," Articles 64 to 75, inclusive.
- Chapter 2. "The Sexton," Articles 76 to 87, inclusive.
- Chapter 3. "Regulation of," Articles 88 to 99, inclusive.
- Chapter 4. "Burial Without, Prohibited," Articles 100 and 101.

Title X. "Corporation Court."

- Chapter 1. "Establishing and Regulating," Articles 102 to 135, inclusive.
- Chapter 2. "The Recorder," Articles 136 to 141, inclusive.

Title XI. "Council, City."

- Chapter 1. "Organization and Procedure," Articles 142 to 157, inclusive.
- Chapter 2. "Powers of," Articles 158 to 175, inclusive.
- Chapter 3. "Requirements of," Articles 176 to 180, inclusive.
- Chapter 4. "Proceedings of May Be Published," Article 181.

Title XII. "Elections."

- Chapter 1. "Regulation of," Articles 182 to 190, inclusive.
- Chapter 2. "Contest of," Articles 191 to 196, inclusive.

Title XIII. "Fire, Protection Against."

- Chapter 1. "Fire Department," Articles 197 to 253, inclusive.
 - 1. "Organization," Articles 197 to 222, inclusive.
 - 2. "Fire Limits," Article 223.
 - 3. "Fire Regulations," Articles 224 to 229, inclusive.
 - 4. "Foreman," Articles 230 to 234, inclusive.
 - 5. "Drivers," Articles 235 to 239, inclusive.
 - 6. "Hose," Articles 240 to 242, inclusive.
 - 7. "General Rules," Articles 243 to 251, inclusive.
 - 8. "Firemen's Cemetery Lot," Article 252.
 - 9. "Uniforms," Article 253.
- Chapter 2. "Buildings and Supplies," Articles 254 to 262, inclusive.

- Chapter 3. "Chimneys, Flues, and Fireworks," Articles 263 to 273, inclusive.
- Chapter 4. "Theaters or Places of Public Amusement," Articles 274 to 284, inclusive.
- Chapter 5. "Petroleum, Crude, Regulating Use of," Articles 285 to 287, inclusive.

Title XIV. "Fish."

- Chapter 1. "Catch of Regulated," Articles 288 and 289.

Title XV. "Gaming."

- Chapter 1. "Prohibiting," Articles 290 to 297, inclusive.

Title XVI. "Gas and Lighting."

- Chapter 1. "Generally," Articles 298 to 303, inclusive.

Title XVII. "Hacks and Other Vehicles."

- Chapter 1. "Public, for Hire, Regulated," Articles 304 to 317, inclusive.

Title XVIII. "Malicious Mischief."

- Chapter 1. "Offenses Constituting and Punishment," Articles 318 to 324, inclusive.

Title XIX. "Misdemeanors."

- Chapter 1. "Definition and Punishment," Articles 325 to 328, inclusive.

Title XX. "Money and Funds, and Bonds and Warrants of the City."

- Chapter 1. "Money and Funds," Articles 329 to 333, inclusive.
- Chapter 2. "Bonds," Articles 334 to 337, inclusive.
- Chapter 2a. "Refunding Bonds," Articles 338 to 355, inclusive.
- Chapter 2b. "Refunding Bonds," Articles 356 to 359, inclusive.
- Chapter 3. "Warrants," Articles 360 to 366, inclusive.

Title XXI. "Nuisances."

- Chapter 1. "Spitting on Sidewalks," etc., Article 367.
- Chapter 2. "Drum Beating," Article 368.
- Chapter 3. "Brush, etc., on Vacant Lots," Articles 369 and 370.

Title XXII. "Officers of the City."

- Chapter 1. "Generally."
1. "The Officers and Their Qualification and Election," Articles 371 to 375, inclusive.
 2. "Installation of," Articles 376 to 379, inclusive.
 3. "Impersonation of," Article 380.
 4. "Receipt for Property," Articles 381 and 382.

5. "Reports of," Article 383.
6. "Absence from City," Article 384.
7. "Resignation of," Article 385.
8. "Removal and Suspension of," Articles 386 to 392, inclusive.
9. "Vacancies," Articles 393 to 396, inclusive.
- Chapter 2. "The Mayor," Articles 397 to 413, inclusive.
- Chapter 3. "The City Marshal," Articles 414 to 433, inclusive.
- Chapter 4. "The City Clerk," Articles 434 to 446, inclusive.
- Chapter 5. "The City Attorney," Articles 447 to 450, inclusive.
- Chapter 6. "The City Assessor and Collector," Articles 451 to 464, inclusive.
- Chapter 7. "The City Treasurer," Articles 465 to 477, inclusive.
- Chapter 8. "The City Physician," Articles 478 to 487, inclusive.
- Chapter 9. "The City Engineer," Articles 488 to 500, inclusive.
- Chapter 10. "The City Water, Light and Power Commissioners," Articles 501 to 511, inclusive.
- Chapter 11. "The City Aldermen," Articles 512 to 518, inclusive.
- Chapter 12. "Other Officers of the City," Article 519.
 1. "Generally," Article 519.
 2. "Police Force," Articles 520 to 549, inclusive.
- Chapter 13. "Dual Office and Interest in Contract of City Prohibited," Article 550.
- Chapter 14. "Salaries," Articles 551 to 563, inclusive.

Title XXIII. "Official Bonds."

- Chapter 1. "Regulation of," Articles 564 to 565.

Title XXIV. "Ordinances."

- Chapter 1. "Enactment, etc., Regulated" Articles 566 to 585, inclusive.

Title XXV. "Parks—City."

- Chapter 1. "Generally," Articles 586 and 587.
- Chapter 2. "Pease Park," Articles 588 to 592, inclusive.
- Chapter 3. "Building on, Prohibited," Articles 593 to 595, inclusive.

Title XXVI. "Pawnbrokers."

- Chapter 1. "Regulating Business of," Articles 596 to 599, inclusive.

Title XXVII. "Plumbing."

- Chapter 1. "Examining and Supervising Board of Plumbers," Articles 600 to 606, inclusive.
- Chapter 2. "Plumbing Regulated," Articles 607 to 645, inclusive.

Title XXVIII. "Printing—City."

- Chapter 1. "Regulation of," Article 646.

Title XXIX. "Public Health."

- Chapter 1. "Board of Public Health," Articles 647 to 649, inclusive.
 Chapter 2. "Sanitary Inspector," Articles 650 to 657, inclusive.
 Chapter 3. "Food," Articles 658 to 661, inclusive.
 Chapter 4. "Water—For Use and Stagnant," Articles 662 to 673, inclusive.
 Chapter 5. "Trash," etc., Articles 674 to 679, inclusive.
 Chapter 6. "Unclean Premises," etc., Articles 680 to 693, inclusive.
 Chapter 7. "Removal of Filth," etc., Articles 694 to 699, inclusive.
 Chapter 8. "Pigeons," Articles 700 and 701.
 Chapter 9. "Schools—Public and Private, Sanitary Regulations of Same," Articles 702 to 707, inclusive.
 Chapter 10. "Disease—Contagious," Articles 708 to 720, inclusive.
 1. "Generally," Articles 708 to 716, inclusive.
 2. "Smallpox," Articles 717 to 720, inclusive.
 Chapter 11. "Hospitals—City," Articles 721 to 738, inclusive.

Title XXX. "Public Place."

- Chapter 1. "Definition," Article 739.

Title XXXI. "Public Safety and Morality."

- Chapter 1. "Regulation of," Articles 740 to 747, inclusive.

Title XXXII. "Purchases of City."

- Chapter 1. "Regulated," Articles 748 to 753, inclusive.
 Chapter 2. "Payment for," Articles 754 to 757, inclusive.

Title XXXIII. "Railroads."

- Chapter 1. "Movement of Cars, etc., Regulated," Articles 758 to 762, inclusive.
 Chapter 2. "Trespassing, Prohibited," Articles 763 and 764.
 Chapter 3. "Passengers Alighting, Protected," Articles 765 and 766.

Title XXXIV. "Railways—Street."

- Chapter 1. "Generally," Articles 767 to 777, inclusive.
 Chapter 2. "Separate Compartments for 'Whites' and 'Negroes,'" Articles 778 to 787, inclusive.
 Chapter 3. "Gong or Bell," Articles 788 and 789.

Title XXXV. "Saloons, etc."

- Chapter 2. "Regulation of," Articles 790 to 798, inclusive.

Title XXXVI. "Streets, Sidewalks, Bridges and Thoroughfares."

Chapter 1. "Generally," Articles 799 and 800.

Chapter 2. "Street and Sewer Commissions," Articles 801 to 804, inclusive.

Chapter 3. "Improvements of and Work On," Articles 805 to 823, inclusive.

1. "Generally," Articles 805 and 806.

2. "Funds for," Articles 807 to 811, inclusive.

3. "General Supervision of Work," Article 812.

4. "Street Foreman," Articles 813 to 816, inclusive.

5. "City Teams," etc., Articles 817 to 819, inclusive.

6. "Grades," Articles 820 and 821.

7. "Digging in Regulated," Articles 822 and 823.

Chapter 4. "Street Paving," Articles 824 to 839, inclusive.

Chapter 5. "Gutters," Articles 840 and 841.

Chapter 6. "Streets and Alleys," Articles 842 to 871, inclusive.

1. "Named and Designated," Articles 842 to 845, inclusive.

2. "Numbering of Houses," Articles 846 to 850, inclusive.

3. "Opening and Changing," Articles 851 to 856, inclusive.

4. "Driving on Regulated," Articles 857 to 862, inclusive.

5. "Kite Flying, etc., Prohibited," Article 863.

6. "Playing Ball, etc., Prohibited," Articles 864 to 866, inclusive.

7. "Staking and Grazing on Prohibited," Article 867.

8. "Alleys Are Thoroughfares," Articles 868 and 869.

9. "Telegraph, etc., Poles," Articles 870 and 871.

Chapter 7. "Sidewalks," Articles 872 to 887, inclusive.

1. "Building of Regulated," Articles 872 to 878, inclusive.

2. "Display of Meat, etc., Prohibited," Articles 879 to 882, inclusive.

3. "Use of Regulated," Articles 883 and 884.

4. "Awnings," Articles 885 to 887, inclusive.

Chapter 8. "Bridges," Articles 888 to 897, inclusive.

1. "Avenue Bridge," Articles 888 to 895, inclusive.

2. "Generally," Article 896.

3. "Ferries and Toll Bridges," Article 897.

Chapter 9. "Use of, Guarded and Regulated," Articles 898 to 942, inclusive.

1. "Sleeping on, Prohibited," Article 898.
2. "Signs," Article 899.
3. "Use of With Animals Regulated," Article 900.
4. "Obstructions," Articles 901 to 914, inclusive.
5. "Openings," Articles 915 to 917, inclusive.
6. "Posters, Signs," etc., Articles 918 to 924, inclusive.
7. "Bicycles," etc., Articles 925 to 927, inclusive.
8. "Vending on Prohibited," Articles 928 to 942, inclusive.

Title XXXVII. "Sunday."

- Chapter 1. "Observance of Regulated," Articles 943 to 952, inclusive.

Title XXXVIII. "Taxation."

- Chapter 1. "Property Subject to," Articles 953 to 960, inclusive.
- Chapter 2. "Amount and Purpose of Tax," Articles 961 and 962.
- Chapter 3. "Tax Lists and Listing or Assessing," Articles 963 to 995, inclusive.
1. "Generally," Articles 963 to 967, inclusive.
 2. "Listing and Assessing Regulated," Articles 968 to 995, inclusive.
- Chapter 4. "Board of Equalization," Articles 996 to 1009, inclusive.
1. "Organization, Its Powers and Duties," Articles 996 to 1006, inclusive.
 2. "Certified Lists of Changes," Articles 1007 and 1008.
 3. "Appeal from Action of," Article 1009.
- Chapter 5. "Payment of," Articles 1010 to 1018, inclusive.
- Chapter 6. "Delinquent Taxes," Articles 1019 to 1044, inclusive.
- Chapter 7. "Occupation Tax," Articles 1045 to 1064, inclusive.
- Chapter 8. "School Tax," Article 1065.

Title XXXIX. "Theaters, Circuses, Public Balls and Public Dance Houses."

- Chapter 1. "Regulation of," Articles 1066 to 1077, inclusive.
- Chapter 2. "Exhibition of During County Fair Prohibited," Articles 1078 to 1080, inclusive.

Title XL. "Vagrants."

- Chapter 1. "Who Are," Articles 1081 and 1082.

Title XLI. "Wards."

- Chapter 1. "Named and Bounded," Articles 1083 to 1090, inclusive.

Title XLII. "Water and Light Plant."

- Chapter 1. "Regulating Water," Articles 1091 to 1097, inclusive.
 Chapter 2. "Regulating Lights," Article 1098.
 Chapter 3. "Electric Railroad Warning," Article 1099.
 Chapter 4. "Wiring, etc., Generally," Articles 1100 to 1112, inclusive.

Title XLIII. "Weights and Measures."

- Chapter 1. "Regulation of," Articles 1113 and 1114.

SEC. 2. That all ordinances and parts of ordinances passed and effective on or prior to day of, 1907, other than said Revised Ordinances, and not contained in said Revised Ordinances, whether the same be in conflict with any portion of said Revised Ordinances or not, be and the same are hereby repealed; provided, that all rights and remedies under said repealed ordinances and parts of ordinances shall be saved and preserved; and, as to any rights thus saved, the remedies prescribed in said Revised Ordinances shall be regarded as cumulative, so far as they are applicable.

SEC. 3. That this ordinance and the said Revised Ordinances of the City of Austin take effect and be in force from and after the day on which this revision of the ordinances of the City of Austin shall be printed in book form.

Passed, 1908.

Approved, 1908.

F. M. MADDOX,

Mayor of the City of Austin.

Attest:

JNO. O. JOHNSON,
 City Clerk.

TITLE I.

ADDITIONS TO CITY AND MAPS THEREOF.

CHAPTER I.

REGULATION OF.

ARTICLE 1. That it shall not be lawful for any person, company or association of persons to lay out any addition, subdivision, or to plat any ground in the City of Austin, or to lay out and call for on said plat any street, highway, lane or alley with a view to selling any lot or piece or parcel of ground according to and as designated by such laying out, subdivision or plat, unless a copy of the map of such laying out, subdivision or addition be first filed and deposited with the City Assessor.

ARTICLE 2. That the maps called for in the preceding article shall show, by clear delineations, the location and course of each of said lots, streets, highways, lanes and alleys, and no name shall be given to any such streets, highways, lanes and alleys by any such person, company or association of persons, unless the consent of the Mayor and City Council be first had and obtained.

ARTICLE 3. That it shall not be lawful for any person, company or association of persons, to exhibit any map whatsoever, with a view of making or endeavoring to make a sale, or offering for sale, any lot or piece or parcel of ground laid down on said map of any addition, subdivision or laying out of land, lying within the corporate limits, unless a copy of said map shall have been filed in the office of the City Assessor.

ARTICLE 4. That any person, company or association of persons, who shall violate any of the provisions of the preceding articles of this chapter or shall refuse, fail or neglect to comply with the provisions thereof, shall be fined not less than twenty-five nor more than one hundred dollars.

TITLE II.

ANIMALS.

CHAPTER I.

PREVENTION OF CRUELTY TO.

ARTICLE 5. It shall be unlawful for anyone to cruelly beat or otherwise cruelly maltreat any dumb animal in the City of Austin, or to wantonly kill, maim, wound, poison or disfigure any horse, ass, mule, cattle, sheep, swine, dog or beast of any kind, or to mutilate or cruelly kill other domestic animals, or overdrive, or override, or overload, or unnecessarily confine, or in any manner oppress the same, or to unnecessarily fail to provide the same with proper food, or drink, or shelter, or drive, or work, or use the same when such animal is maimed, wounded, sick, lame, or otherwise unfit for labor, or to wilfully abandon same to die, or to carry, or cause the same to be carried, hauled or forced along in a cruel or inhumane manner, or leave any animal tied up or overchecked or confined anywhere, day or night, without proper feeding and caring for the same; provided, however, that this article is not to be construed to prevent policemen, or other persons, from killing dogs when lawfully entitled to do so; provided further, that this article is in nowise to be construed to prevent, or in any way interfere, with the killing of any animal, fowl or beast for scientific purposes.

ARTICLE 6. Any person who shall violate the preceding article shall be fined not less than five dollars nor more than twenty-five dollars for each and every separate offense.

CHAPTER II.

PREVENT RUNNING AT LARGE.

ARTICLE 7. That if the owner, keeper, or person in charge of any horse, mule, jack, jennet, cow, cattle, hog, sheep or goat shall suffer or permit the same to run at large at any time within the corporate limits of the City of Austin, State of Texas, north of the Colorado River, he shall be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not less than five (5) dollars nor more than one hundred (100) dollars for each of such animals suffered or per-

mitted to run at large within said territory; provided, however, that such stock may run at large within the corporate limits of the City of Austin outside of the following limits, to wit:

Beginning at the mouth of Waller Creek, on the Colorado River; thence in a northerly direction with the meanderings of said creek to Fifth Street; thence easterly with the center of Fifth Street to Chicon Street; thence in a northerly direction with the east line of Chicon Street to the Manor road; thence in a westerly direction with the north side of the Manor road to and across the Cameron road, and in a westerly direction with the north line of Hancock Street to Waller Creek; thence up Waller Creek with its east bank to Duval Street; thence northerly with the east line of Duval Street to the northeast corner of Hyde Park Annex; thence in a westerly direction with the north line of Hyde Park Annex to the Georgetown road; thence westerly across the Georgetown road and with the north line of the Lunatic Asylum grounds to the northwest corner of same; thence in a southerly direction with the east line of the Spear league to a point where said east line of the Spear league first intersects with Shoal Creek; thence down Shoal Creek with its east bank to Twelfth Street; thence with the north line of Twelfth Street to Blanco Street; thence in a southerly direction with the west line of Blanco Street to the Colorado River; thence down the Colorado River with its meanderings to the place of beginning; provided, that as to goats this limitation of territory shall not apply, and that goats shall not be allowed to be at large within the city limits.

ARTICLE 8. The City Marshal shall establish a public pound at such place as he may select, and it shall be his duty to take up, or cause to be taken up, any animal mentioned in the preceding article found running at large in this city contrary to said article, and impound same in the public pound, and in one day thereafter he shall post at as many as five public places in the city, one of which shall be at the City Hall, a notice giving an accurate description of such animal, together with the marks and brands thereon, if any, and the time and place of the sale of same, and at the expiration of five days from the posting of such notice the City Marshal shall sell such animal at the public pound at public outcry to the highest bidder for cash.

ARTICLE 9. The City Council shall, on the nomination of the Mayor or any Alderman, elect a Poundmaster for the City of Austin, who shall exercise all the powers of a policeman, and who shall hold his office for a period of one year, and who shall discharge such duties as are now or may hereafter be prescribed by ordinance, and shall receive an annual salary of nine hundred dollars, to be paid in monthly installments.

ARTICLE 10. There shall be collected a fee of one dollar per head for

taking up and impounding any such animals, and fifty cents a head per day for feeding and taking care of the same; and after deducting such fees and costs from the proceeds of the sale, the balance of the funds shall be deposited with the City Assessor and Collector, subject to the order of the owner of such animal. If no owner shall call for the amount within thirty days after being so deposited with the City Assessor and Collector, it shall be paid into the city treasury. At any time within six months after the sale of such animal the owner may apply to the City Council, and, upon satisfactory proof of such ownership, he shall be entitled to the amount deposited in his name on account of such sale, after paying such costs as may be necessary to establish his ownership or right thereto.

ARTICLE 11. The owner or keeper of any such animal may reclaim the same from the public pound at any time before the sale by paying the fees and all expenses prescribed in the preceding article.

ARTICLE 12. At any time within one year from the sale the owner of any animal impounded and sold under the provisions of this chapter shall have the right to redeem the same by paying to the purchaser thereof double the amount bid by him for such animal, and his reasonable expenses in keeping the same.

ARTICLE 13. The City Marshal shall record in a book kept for that purpose the number and kind of animals impounded, the date of impounding, the date of sale, the amount realized by the sale of each animal or by the same being reclaimed before sale, the name of the owner, if known, and the name of the purchaser. And the City Marshal shall make a monthly report of the same to the City Council at its first regular meeting in each month.

ARTICLE 14. If at the time of the sale no purchaser can be found for any of the animals so impounded, the City Marshal may kill such animals and have their bodies removed beyond the city limits and deposited as required by ordinance.

ARTICLE 15. If any person shall interfere with the City Marshal in the discharge of his duty in taking up, impounding and selling animals running at large in this city, or shall interfere with any of his appointees, deputies or agents in the discharge of such duty, he shall be fined not less than ten nor more than one hundred dollars.

ARTICLE 16. If any person shall drive, toll, or otherwise get or bring into the city or within the prohibited limits any animal belonging to another, with the intent or for the purpose of getting the same into the public pound, or shall unchain, unhitch, or in any manner let loose or let out of any enclosure whatever, any such animal for the purpose or with the intent to get the same into the public pound, he

shall be fined not less than twenty-five nor more than one hundred dollars.

ARTICLE 17. If the owner or keeper of any horse, mule, jack, jennet or any other animal known to be diseased with the glanders, or any other contagious disease, shall use or permit the same to run at large in this city, he shall on conviction be fined not less than five nor more than one hundred dollars.

ARTICLE 18. If any person shall drive or cause to be driven any horses, mules, jacks, jennets, cattle, hogs, sheep, goats or any other animals in droves, through Congress Avenue or Sixth Street; or if any person shall drive or cause to be driven any such droves through any other part of the city without having them guarded by a sufficient number of drivers to keep them under good control so that they do not run away or injure any person or property, he shall be punished by a fine of not less than five nor more than one hundred dollars.

ARTICLE 19. If any person shall hitch, or tie, or leave standing any stallion, jackass or bull in any of the streets, alleys or other public places, except within an enclosure, within the City of Austin; or if any person shall keep any stallion, jackass or bull for service to mares, jennets or cows in any open lot, or other open place in this city, he shall be punished by a fine of not less than five nor more than one hundred dollars.

ARTICLE 20. That whoever shall hitch or fasten any horse, or other animal, to any awning post, lamp post, shade tree or building upon Congress Avenue, north of Cypress Street, or on Pecan Street east of Guadalupe Street and west of Waller Creek, or to any awning post, lamp post, fence, railing or building elsewhere in this city not owned and controlled by him, her or them, without the consent of the person owning or controlling the same, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than five nor more than one hundred dollars.

CHAPTER III.

DOGS.

ARTICLE 21. It shall be the duty of the Mayor of the city, at any season or time when there are, in his opinion, mad or rabid dogs within or near the city, and the public health or safety is thereby endangered, to issue his proclamation forbidding the running at large of any dogs not muzzled, and he may offer for their destruction such premium as he may deem proper; and he may require any and all policemen to destroy any dog found at large in violation of such proclamation.

ARTICLE 22. A registration fee of one dollar is hereby levied an-

nually on each and every dog or bitch owned or harbored within the city limits of the City of Austin, and allowed to be registered under the regulations herein contained. Said registration fee shall be due and payable on the first day of June of each year, and it is hereby made the duty of every owner of any such dog or bitch, or anyone who shall harbor any such dog or bitch, to pay over to the City Assessor and Collector the said fee on or before the first day of June in each year.

ARTICLE 23. On the tender of the registration fee provided for in Article 22, the City Assessor and Collector shall, if he be of the opinion that the dog offered for registration is a fit subject therefor under the provisions of this ordinance, furnish the owner or harbinger thereof with a metal plate, which shall bear some stamp and number to be determined by the Mayor; and the owner or harbinger shall securely fasten same to a collar, which shall be worn by the dog or bitch at all times said animal shall run at large, except as hereinafter prescribed.

ARTICLE 24. The City Assessor and Collector shall record in a well bound book kept by him for that purpose, a statement concerning each dog registered by him and said statement shall show the name, number and sex of each dog registered, the name of the owner or harbinger thereof and his place of residence.

ARTICLE 25. The City Council shall elect a dog catcher at a salary of fifty dollars per month and an assistant dog catcher at a salary of thirty dollars per month for the months of June, July, August, September and October.

ARTICLE 26. It shall be the duty of the City Marshal to erect a pound suitable for the impounding of all dogs, as hereinafter provided, at such place as he may deem suitable, which pound shall be under his control. It shall also be the duty of the City Marshal to cause all dogs found running at large within the city limits not wearing a collar and registration tag to be taken and impounded. He shall see to the proper care of all dogs impounded, and shall deliver each impounded dog to its owner, or the purchaser thereof, upon an order from the City Assessor and Collector and the payment of all costs hereinafter provided for.

ARTICLE 27. Hereafter when any dog found at large on the streets of the City of Austin, and taken up in accordance with the ordinances now in force regarding the impounding of dogs, is so impounded by the City of Austin, the owner caring to redeem such dog shall, in addition to providing a tag required by the ordinances of the City of Austin, pay to the City Collector of Austin the sum of one dollar, said one dollar so paid to be paid to the City of Austin for the keeping of said dog while so impounded.

ARTICLE 28. Each dog not redeemed by its owner within three full

days after the same shall have been impounded shall be allowed to be redeemed upon the application of any person who bids therefor the largest sum during the fourth day after such dog has been impounded; provided the sum so bid shall equal or exceed the costs accrued against such dog; and all dogs not redeemed under the provisions hereof within four full days after same shall have been impounded shall be destroyed by the City Marshal.

The City Assessor and Collector shall pay into the city treasury to the credit of the general fund all money accruing under the above provisions.

ARTICLE 29. It shall be the duty of the dog catcher to report in writing to the City Council at least once per month the total number of dogs impounded, the total number of dogs redeemed, and the total number of dogs executed under this and existing ordinances.

ARTICLE 30. It shall not be lawful for any person to permit any bitch belonging to him to run at large when in heat, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine of not less than five nor more than one hundred dollars for each and every offense, and such bitch shall be liable to be impounded in the public pound.

ARTICLE 31. It shall not be lawful for any person to keep any dangerous or vicious dog within the limits of this city at any time unless same is kept at all times securely chained, and no dog or bitch, whether usually dangerous and vicious or not, shall be allowed or permitted by the owner or harbinger thereof to run at large within the corporate limits of this city, whether it be in company with its owner or harbinger or otherwise, between the first day of June and the first day of November of each year, unless such dog or bitch shall have been first registered in accordance with the foregoing regulations.

ARTICLE 32. And if any person shall make affidavit before the Mayor or Recorder that any dog has bitten or attempted to bite any person in this city, and it shall appear that the person so bitten or attacked was not at the time trespassing on the person or property of the owner or keeper of such dog, it shall be the duty of the Mayor or Recorder to direct the owner or keeper of such dog to kill the same, or to remove the same permanently beyond the city limits within six hours from the time of service of such notice. And any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine of not less than five nor more than one hundred dollars for each and every such offense, and each and every day of such violation shall constitute a separate offense.

ARTICLE 33. Any person or persons who shall interfere with the City Marshal or any of his assistants in the discharge of their duties in

carting, carrying away or impounding dogs as hereinbefore provided, or shall in any manner interfere with the pound or any person in charge thereof, shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined not less than five nor more than one hundred dollars.

CHAPTER IV.

HOGS.

ARTICLE 34. It shall be unlawful for any person, firm or corporation to keep any hogs in pens or otherwise within the hereinafter prescribed limits of the City of Austin: Beginning on Comal Street on the north bank of the Colorado River; thence in a northerly direction with said Comal Street to Nineteenth Street; thence with Nineteenth Street in a westerly direction to Waller Creek; thence with the meanders of Waller Creek to Twenty-ninth Street; thence with Twenty-ninth Street to Rio Grande Street; thence with Rio Grande Street to Nineteenth Street; thence with Nineteenth Street to Shoal Creek; thence south with Shoal Creek to Twelfth Street; thence west to Blanco Street; thence with Blanco Street to the Colorado River; thence with the meanders of the Colorado River east to the place of beginning, or for any person, firm or corporation to keep more than two hogs in pens, or otherwise, outside of the prescribed limits of the City of Austin north of the Colorado River, and any person, firm or corporation violating the provisions hereof shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than five dollars nor more than one hundred dollars.

CHAPTER V.

DEAD BODIES OF.

ARTICLE 35. Hereafter it shall be unlawful for any person to bury, burn or otherwise dispose of the dead body or carcass of any cow, calf, ox, bull, horse, mare, mule, colt, stallion, jack or jennet, within the corporate limits of the city of Austin, or within one thousand yards thereof, except by complying with the regulations hereinafter prescribed.

ARTICLE 36. Hereafter, whenever any animal enumerated in the preceding article shall die within the corporate limits of said city, it shall be the duty of the owner thereof, or of the person in possession of such animal, if the owner be not in possession thereof at the time of its death, to apply to the City Police Clerk for a permit to have the body or carcass of such animal buried in the city burying grounds to be selected by the sanitary officer; and it shall be the duty of the City Police Clerk to issue such permit to any person who shall apply to

him therefor, upon payment to him by such person of one dollar for such permit, which money shall be paid into the city treasury.

ARTICLE 37. There shall be appointed by the City Sanitary Officer an assistant, and it shall be the duty of said assistant to bury in the city burying grounds, without additional expense to the owner, the body or carcass of each animal for which a burial permit has issued and been presented to him.

ARTICLE 38. The assistant provided for herein shall receive as compensation for his services a fee of one dollar for such burial performed by him.

ARTICLE 39. If any person shall hereafter deposit, place or leave within the corporate limits of this city or within one thousand yards thereof, or shall cause the same to be done, the dead body or carcass of any animal mentioned herein, and belonging to him or dying in his possession, or shall fail to dispose of same in accordance with the regulation herein prescribed, he shall be fined, upon conviction, not less than five nor more than one hundred dollars for each offense.

TITLE III.

AUCTIONS AND AUCTIONEERS.

CHAPTER I.

REGULATION OF.

ARTICLE 40. If any auctioneer or other person shall sell at auction any horse, mule or ox without first requiring from the party for whom such sale is made a written statement signed by him of the manner in which and the name and residence of the person from whom he acquired such animal, or if any auctioneer shall fail to keep a record of such statement, together with an accurate description of the animal sold, the names and residence of the seller and purchaser, he shall be punished by a fine of not less than fifty nor more than one hundred dollars.

ARTICLE 41. It shall be unlawful to sell any animals at auction in this city, except the said sale is made by auctioneers duly licensed by the City of Austin; provided, that such sales shall only be made in stables, stock-yards, enclosed lots, or on the public streets, except that no such sales shall be made on Congress Avenue or on Sixth Street; or to sell or auction any personal property other than animals, except in a regular auction room, store house, or other house, and any person violating any of the provisions of this article shall be punished by a fine of not less than five nor more than one hundred dollars.

ARTICLE 42. The provisions of the preceding article shall not apply to legal sales made by officers of any court or by their authority nor to sales required by law or by the terms of any trust or power to be made at any particular place or in any particular manner.

ARTICLE 43. If any auctioneer in pursuing his occupation shall make any greater cry than is actually necessary or act in a manner so boisterous as to disturb the peace of others he shall be punished by a fine of not less than five nor more than one hundred dollars.

TITLE IV.

AUTOMOBILES.

CHAPTER I.

REGULATION OF USE OF.

ARTICLE 44. Each and every owner, lessee, manager, driver or any other person in control of any automobile running on any of the public streets or alleys, or other public places of the City of Austin, shall comply with the following regulations in operating or running any automobile within the corporate limits of said city.

1. No automobile shall be operated along or over the public streets, or alleys of the city, or other public place within the corporate limits of the city, unless the owner, lessee, manager, or other person in control of said automobile shall have first procured a number, at least six inches high, which number shall be placed and kept on the rear of such automobile whenever the same is being run along any public street or alley or other public place in the city. When such number is applied for, the City Clerk shall take the name of the owner, lessee, manager or other person in control of said automobile, together with a brief description of said automobile, by name of makers or other means of identification, horsepower, etc., and shall register the same in a well bound book in his office to be kept for that purpose. Whenever there shall be any change in ownership of any such automobile, such fact shall at once be made known to the City Clerk, who shall note same on the registry above required for.

2. No automobile shall be driven or propelled along the streets, alleys or other public places of the city at a greater rate of speed than twelve miles per hour, and shall not be driven along that portion of Congress Avenue between Eleventh Street and First Street, or along Sixth Street between East Avenue and West Avenue, or south Congress Avenue to south side of Deaf and Dumb Institute and street surrounding Blind Institute, at a speed exceeding eight miles per hour, nor shall any automobile turn the corner of any street within the limits bounded by the Colorado River, East Avenue, West Avenue and Nineteenth Street, or any street along which a street railroad runs, at a speed greater than six miles per hour, and no automobile shall be driven or propelled along or

across the bridge at the foot of Congress Avenue over the Colorado River at a speed greater than four miles per hour.

3. No automobile shall be run or operated at night along the public streets or alleys, or other public places of the city without at least two lamps showing white lights in front and red on reverse, or in lieu of two showing such red on reverse, one red light may be suspended on rear of such automobile.

ARTICLE 45. Any person violating any of the provisions hereof shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than ten nor more than one hundred dollars.

TITLE V.

BILL POSTERS.

CHAPTER I.

REGULATION OF.

ARTICLE 46. If any person shall in this city post any bills, notices or advertising cards, or shall tack up any advertising cards or notices in tin, wood or other material, or print or letter words or pictures on fences or other places as a means of advertising, for compensation, without first paying the amount of license tax assessed upon such occupation by the City Council, and obtaining a license therefor, he shall be find not less than five nor more than one hundred dollars.

ARTICLE 47. If any bill poster shall charge any more than the following rates, towit:

Theatrical sheets, per sheet, 5 cents; local full sheets, 4 cents; half sheets, 3 cents; quarter sheets, 2 cents; eighth sheets, 2 cents; dodgers, 1 cent; snipes, per thousand, \$5.00, he shall be punished by a fine not less than five nor more than one hundred dollars.

TITLE VI.

BIRDS.

CHAPTER I.

PROTECTION OF.

ARTICLE 48. Whoever, in this city, shall kill or wound any bird, not his or her own property, when the same is actually in the possession of another, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine of not less than five nor more than one hundred dollars.

ARTICLE 49. It shall not be lawful for any person or persons to kill, capture or destroy any mocking bird, or other native singing bird, in the limits of the City of Austin, or to rob the nest or destroy the nest of any such bird or birds, or for any person or persons to peddle, sell or offer for sale, on the streets or elsewhere in the limits of the City of Austin, mocking birds or other native singing birds, and any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than five nor more than one hundred dollars.

TITLE VII.

BUILDINGS IN CITY.

CHAPTER I.

REGULATION OF.

ARTICLE 50. Hereafter it shall be the duty of any person who desires to erect any building within the city limits of the City of Austin, or to make any addition to any building within the city limits of the City of Austin, to obtain from the Assessor and Collector of Taxes of the City of Austin a permit in writing before he commences the erection of said building or addition.

ARTICLE 51. It shall not be lawful for any person or persons other than the owner of said proposed building to obtain the permit except as provided in Article 52.

ARTICLE 52. The application for the permit shall state, among other things, under oath of the applicant, the location by an accurate description of the lot or parcel of land on which the proposed building or addition is to be erected, and, if possible, it shall give the description of the land by lot number, block number, subdivision, outlot, division or original grantee, if in acreage, etc., so that the Assessor can identify the property with ease; that it shall also state the contract price or actual cost of the building or addition to be erected; that it shall also state whether one or two story, the character, kind and description of the proposed improvement or building, that is, whether the same is a dwelling, store house, or barn, etc., and of what material the same is to be constructed, provided, however, that if the owner of said building or proposed addition or improvement is not a resident of the City of Austin, or is away from the City of Austin, his duly authorized agent or contractor who is to construct said building or improvement or addition thereto shall make affidavit before the Assessor and Collector of Taxes; and shall be and become responsible under the law for a misstatement of the true facts as contained in said affidavit, and that in addition to the facts as alleged, as required by this affidavit, the party making the affidavit in lieu of the owner, shall state in said affidavit that the owner or person in control of said property is absent from the city, and state the reason for the owner's not making affidavit.

ARTICLE 53. The provisions of this chapter shall not be construed in

any manner so as to affect the ordinances with reference to the kind of buildings or the construction of buildings within the fire limits of the City of Austin.

ARTICLE 54. Any person, firm or corporation who shall erect a building or improve or add to a building, as contemplated by this ordinance, without first obtaining a permit, shall be deemed guilty of a misdemeanor and upon conviction in the Corporation Court, shall be fined not less than five dollars nor more than one hundred dollars, and that each day that the said person, firm or corporation shall persist in continuing to erect said building or improvement shall constitute a separate offense within the meaning of this ordinance.

ARTICLE 55. All improvements hereafter to be made or houses to be built in this city fronting on any street, alley or square, must be made to conform to the alignment of same, as fixed by the City Engineer; any person violating the provisions of this article shall be deemed guilty of a misdemeanor.

CHAPTER II.

UNSAFE—REMOVAL OF.

ARTICLE 56. The City Engineer is instructed and empowered to inspect all buildings, other structures and premises in the City of Austin and to condemn, repair or remove such structures, premises and buildings when found to be in a dangerous condition, and when any building, awning or structure, or part thereof, within the corporate limits of the City of Austin shall become unsafe and dangerous to life, limb or property from any cause, it shall be the duty of the City Engineer to inform the owner, agent or occupant of its condition and notify him or them to remove the same within twenty-four hours; provided, however, that in the event there is not immediate or imminent danger of the falling of said structure the City Engineer give to the owner, agent or occupant two days' notice of his decision in the matter, and within which time the said owner, agent or occupant shall be allowed to show cause to said City Engineer why said property or structure should not be condemned and is not unsafe, and if at such time the said engineer shall, after hearing the reasons for and against said proposition, still deem said structure a menace to public safety or dangerous, the owner, occupant or agent shall, within twenty-four hours from the notice of his decision, tear down said structure so condemned; and provided further, that the decision of the said City Engineer as to whether or not the structure in controversy is a menace to public safety or dangerous shall be final.

ARTICLE 57. That any person, firm, corporation, owner, agent or occupant who, after receiving notice as provided in the preceding article, fails to comply therewith within the time prescribed therein, shall be

deemed guilty of a misdemeanor and upon conviction shall be fined not less than five dollars nor more than one hundred dollars.

ARTICLE 58. Any building, awning, gallery, shed, porch or other structure, in this city, which has or shall become dangerous to persons using the streets, sidewalks or alleys, from age, use or other cause, shall be deemed a nuisance. It shall be the duty of the City Marshal to inform the agent, owner or occupant thereof of its condition, and to notify him to remove the same three days from the time such notice is given; and a failure to comply with such notice shall be deemed a misdemeanor and punished by a fine of not less than five nor more than two hundred dollars, and each day of such failure shall constitute a separate offense. After conviction of the offense defined in this article it shall be the duty of the City Marshal to remove such dangerous structure at the expense of the owner thereof.

TITLE VIII.

CALENDAR OF CITY.

CHAPTER I.

YEAR—FISCAL.

ARTICLE 59. The fiscal year of the city shall be from and including the first day of January of each year to and including the thirty-first day of December of said year.

CHAPTER II.

DAY—EIGHT-HOUR.

ARTICLE 60. Eight hours shall constitute a day's labor on all work performed for the city by mechanics, artisans and laborers, whether performed directly for the city or indirectly by contract; the minimum wage to be not less than \$1.75 per day and \$3.00 per man and team, except where otherwise provided by charter provision.

ARTICLE 61. Any city official or person in authority having control or direction of mechanics, artisans or laborers, working for the City of Austin in any branch of the municipal service, who shall require or permit any mechanic, artisan or laborer to work more than eight hours within one calendar day, shall be guilty of a misdemeanor, and on conviction shall be fined in any sum not less than five dollars nor more than two hundred dollars; provided, that this penalty shall not apply when work is done in emergency caused by burst water or gas pipes, fires, floods, storms or similar calamities, the judge or jury trying the case to be the exclusive judges of what constitutes an emergency as contemplated by this act; and provided further, that any member of a board or committee directing or sanctioning a violation of the provisions of this act shall be absolved from the punishment herein provided upon the production of proof that he voted against the action of the board or committee which is responsible for the violation of this ordinance.

ARTICLE 62. Any contractor or subcontractor doing work for the city who shall violate the provisions of this ordinance shall be punished as provided in the preceding article, and in addition shall forfeit his contract and the same shall terminate immediately upon his conviction.

CHAPTER III.

TIME—STANDARD.

ARTICLE 63. The standard time now in use by the railway companies in this section of the United States shall be the official time of the City of Austin, and the city officers and employes shall conform thereto.

TITLE IX.

CEMETERIES.

CHAPTER I.

DESIGNATION OF.

ARTICLE 64. The tract of land lying within the limits of the City of Austin, and heretofore set apart for burial purposes, with its divisions of portions, blocks, lots and places for single interments, as now minutely described upon the map of the same now on file in the office of the City Assessor and Collector, together with any and all additions hereafter made thereto, and such other tract or tracts of land as may hereafter be dedicated by the City Council for cemetery purposes, shall be and the same are hereby designated as Oakwood or City Cemetery.

ARTICLE 65. The streets and avenues in said cemetery shall bear the following names, to-wit: Main Avenue, commencing at the west entrance and running due east to the dead house; Central Avenue, commencing at the south entrance and running due north to the extreme limits of said cemetery; Olivert Avenue, commencing at Lot No. 286 and running due east to the limits of the cemetery; East Avenue, West Avenue, South Street, North Street, beginning on east side the streets shall bear the following names: First street shall be East Street; second street shall be Shady Glen; third street shall be Fern Dale; fourth street shall be Sunny Side; fifth street shall be Central Avenue; sixth street shall be Bonita Street; seventh street shall be De Fleury Street; eighth street shall be Rosedale Street; ninth street shall be Woodland Street; tenth street shall be West Avenue.

ARTICLE 66. The paths beginning at west entrance and running north and south shall be designated by the letters of the alphabet, commencing with the letter "A." The paths beginning on the south fence and running east and west shall be designated by numbers, commencing with number one.

ARTICLE 67. It shall be unlawful for any person, firm, or corporation to use or permit their servants, agents or employes to use any of the streets within the city cemetery of the City of Austin for the purposes of hauling heavy materials or wagons on or through the same, and it shall further be unlawful for any person, firm, or corporation to use said streets within the city cemetery of the City of Austin in traveling through

said cemetery and in going to and from place to place in the City of Austin; provided, however, that this ordinance shall not apply to persons going in said cemetery for business purposes connected with said cemetery, nor shall it apply to persons having lots or graves in said cemetery who desire to visit said lots or graves in said cemetery, but it shall be limited to the visiting of graves in said cemetery by persons having graves or lots in said cemetery, and for business purposes, and any other use of said streets shall be in violation of this ordinance.

ARTICLE 68. Any person violating the provisions of the preceding article shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not exceeding one hundred dollars.

ARTICLE 69. The City Assessor and Collector shall keep in his office a cemetery book of record, and a map of the cemetery, each showing the names of the portions, numbers of the blocks, lots and parts of lots, and places for single interments, and by whom owned or occupied; and whenever any block, part of a block, lot, part of lot, or place for single interment shall be sold to any person or persons, the Mayor shall, on payment of the money to the Assessor and Collector, make and deliver a deed therefor to the purchaser thereof, and the Assessor and Collector shall enter such sale on his book of record, paying over said amounts to the Treasurer, on his receipt therefor, and shall mark the same on his map.

ARTICLE 70. The City Assessor and Collector shall place the lots and burial spaces embraced therein on sale for cash to any and all persons desiring to purchase same for burial purposes at prices as follows: \$75 per lot; \$40 per half lot; \$25 per quarter lot; \$5 per space for single burial spaces, except single burial spaces for children under five years of age, for which spaces he shall receive \$3 each; provided such officer shall, prior to selling any lot or burial space applied for, require satisfactory evidence from the applicant for the purchase of same that it is intended to be used immediately for burial purposes; not more than one lot shall be sold to the same person or family.

ARTICLE 71. It shall hereafter be unlawful for any person, firm, association of persons or corporations, owning or maintaining any cemetery or cemeteries within the corporate limits of the City of Austin for the purpose of selling lots therein for the burial of dead human bodies, or the employe or agent of any such person, firm, association of persons or corporation, or the officer of any such firm, association of persons or corporation to charge or accept or to offer to charge or accept as the purchase price for any such cemetery lot or lots, either directly or indirectly, any sum in excess of the maximum price fixed for such lot or lots and allowed to be charged therefor by the ordinances of the city, under

and by virtue of which such cemetery is maintained, or by virtue of which it is allowed to be maintained or operated.

ARTICLE 72. Any person, firm, corporation or association of persons or any agent, employe or officer mentioned in the preceding article hereof who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars and not more than two hundred dollars.

ARTICLE 73. Whenever a person or persons shall desire to purchase from the City of Austin a lot or lots in the city cemetery owned by the said city, it shall be the duty of the Tax Assessor and Collector of the City of Austin to prepare a deed for signature for said property and present the same to the Mayor, and it shall be the duty of the Mayor to sign said deed and acknowledge the same on behalf of the City of Austin.

ARTICLE 74. All sales shall be made for cash.

ARTICLE 75. A schedule showing the sale of all lots and spaces shall be kept posted by the City Sexton in a conspicuous place in the cemetery grounds.

CHAPTER II.

THE SEXTON.

ARTICLE 76. The City Council shall, upon the nomination by the Mayor, or any Alderman, at the same time the officers of the city are appointed, elect a City Sexton, who shall have the superintendence of the City Cemetery, and shall be ex-officio a police officer of the city for the purpose of enforcing the ordinances of the city within the cemetery limits. He shall hold his office for two years, or until his successor is qualified, and, before entering upon the duties of his office, shall execute a bond, payable to the City of Austin, in the sum of one thousand dollars, with two or more good and sufficient sureties, to be approved by the Mayor, conditioned for the faithful performance of all the duties which are or may be enjoined upon him by the City Council.

ARTICLE 77. For any neglect or violation of the duties prescribed in this charter, or by ordinance of the City Council, the Mayor may suspend, or by and with the consent of the City Council, remove the City Sexton from office, but only after trial as in case of other city officers.

ARTICLE 78. Whenever the City Sexton shall have been suspended from office in the manner above set forth, the Mayor shall appoint some suitable person to discharge the duties of the office during the period of such suspension; and in case of removal, the City Council, upon nomination by the Mayor or any Alderman, shall immediately proceed to elect his successor, who shall hold only for the unexpired term; and in case

of either suspension or removal, the temporary appointee or successor shall give bond in like manner as prescribed in Article 74 preceding.

ARTICLE 79. The Sexton shall keep a map or plat of the portions of the cemetery not divided into blocks and lots, and also a record book of the same; and whenever any burial of any stranger, pauper or other person shall have been made in such portion, shall make a record of the same, giving a description of the spot, name of the person so buried, if known, and mark the same upon his map, to show that an interment has there been made, and report the same to the Assessor and Collector.

ARTICLE 80. Whenever any party shall have selected for purchase any unoccupied block, lot or part of lot, or place for single interment, it shall be the duty of the Sexton to furnish said party with the name and number of the portion, block and lot so selected, and certify that the same is open for selection, so that the Mayor may make a deed therefor; but the Sexton is not authorized to make any sale of lots or ground in the cemetery; nor shall it be lawful for him or his family to own more than one block in the cemetery, which shall be in one piece, and shall not be sold by him to any other party.

ARTICLE 81. The Sexton shall faithfully inter in their appropriate places the dead bodies of all persons properly presented to him for interment, and it is hereby made the duty of the City Sexton that when any dead body or bodies are to be interred he shall at all such occasions, including his assistants, appear and be clothed in white coats, white collar and dark pants, which, in all cases, shall be neat and clean; whenever a burial shall so occur as herein mentioned, he shall prepare in advance the ground for their reception in a proper manner and as promptly as possible, so that no other grave or lot shall be covered or damaged, taking care that no grave shall be less than four feet in depth, shall superintend the disposition of the body, and shall refill and properly finish off the grave after the body has been buried, preserve order and quiet while the same is being done, and for his services he shall be entitled to the following fees:

For digging the grave and for the interment of person buried at cost of city.....	\$ 2 50
For digging grave and interment of other persons, to be paid by the person contracting therefor.....	5 00
For disinterment, removal and reinterment of a body, for the whole work	15 00
For superintending the work and interment where the grave is dug by others.....	2 00

And which in all cases include the cost of removing dirt and cleaning up the streets; and that the City of Austin purchase a canopy of suit-

able design to be used for the protection of parties during rainy or extremely hot weather.

ARTICLE 82. The Sexton shall keep a register of the dead buried in the city cemetery, designating the name, age, sex, color, place of birth, residence and death, cause of death, time of interment, and name and number of portion, block and lot, or part of lot, in which interred, and shall keep on file the certificate deceased furnished him in each case, and his books and papers shall be open to the inspection of the members of the Council, Mayor, or other city officers, at any and all times.

ARTICLE 83. The Sexton shall not receive within the cemetery any corpse, unless the bearer or bearers thereof shall deliver him the certificate of a licensed physician, or of the Mayor or some magistrate or coroner, containing a statement of the place from whence taken, cause of death, sex, color, and the name and age, if known; and if the bearer or bearers as aforesaid shall refuse to give a certificate as above, or if the body be borne to another place for burial, after application as above to the Sexton, the Sexton shall notify the Mayor of the fact at once, in order that he may proceed to inquire if any crime has been committed.

ARTICLE 84. If any person shall desire to dig a grave with his own hands, he must apply to the Sexton, who shall allow the same to be done, but the Sexton shall himself superintend the work and be responsible for the manner of its execution.

ARTICLE 85. The Sexton shall make monthly reports in writing to the City Council of the number and kind of interments in the city cemetery, giving name, sex, color, and cause of death, and of the state of repairs and condition of the grounds. He shall take special care that the fences, walls, streets, walks and other public parts of the cemetery are kept in good condition and perfectly clean, shall superintend all repairs done by private parties on their grounds, and shall have such repairs made upon the streets and other public places of the cemetery, from time to time, as the Council may order; and for this purpose shall receive an annual salary of five hundred dollars, payable in equal monthly installments, out of which he shall pay for all repairs and cleaning on the streets, alleys, sidewalks, and other public places in the cemetery grounds.

ARTICLE 86. The Mayor may, using a sound discretion, order the burial in the city cemetery of the dead body of any pauper, or person thrown upon the care of the city, without friends, at the cost of the city.

ARTICLE 87. It shall be the duty of the City Sexton to keep the gate of the city cemetery so that it can be open to visitors on Sunday from 1 p. m. to 6 p. m.; and the Sexton, or some person acting for him, shall be present at the entrance or on the grounds, and shall enforce the rules for the preservation of order and decorum and the protection of property.

CHAPTER III.

REGULATION OF.

ARTICLE 88. That it shall not be lawful for any person to have a grave dug, or a body buried in the city cemetery, without the knowledge and approval of the Sexton, nor upon any ground therein without the written consent of the person owning or controlling the same; and if a grave be so dug, or a body so buried, on a place not purchased by the person so digging or burying, or by those under whose authority he acts, the Sexton shall cause the grave to be closed, or the body to be disinterred and buried in that portion of the cemetery set aside for the interment of strangers, and the Sexton's fee therefor shall be collected as other costs, against the person or persons so offending.

ARTICLE 89. That it shall not be lawful for any person to disinter or remove from any grave or vault in the city cemetery any dead body, or any of the articles thereto belonging, except upon the written consent of the nearest friend of the deceased, the written order of the Mayor, and under the superintendence of the Sexton.

ARTICLE 90. That it shall not be lawful for the Sexton, without proper authority as provided for in the preceding article, to suffer, cause or allow the disinterment or removal of any dead body, or to participate, directly or indirectly, therein, nor to unlawfully or improperly prevent the interment of any dead body presented for interment with the proper certificate.

ARTICLE 91. That the Mayor may, using a sound discretion, order the burial in the city cemetery of the dead body of any pauper, or person thrown upon the care of the city, without friends, at the cost of the city.

ARTICLE 92. That it shall not be lawful for any rail fence to be placed around any lot, block or grave in the city cemetery.

ARTICLE 93. It shall be unlawful for any person to write upon, cut, break or otherwise injure, mutilate or deface any tombstone, head or foot board or stone, vault, monument, enclosure, tree, shrub, ornament, or other article, public or private in the city cemetery, or any other cemetery or graveyard, public or private, in this city not his or her own property; or to remove any tree, flower or shrub, from any grave or cemetery lot not his own or her property. Any violation hereof shall be deemed a misdemeanor, and the person guilty thereof, shall, upon conviction, be punished by fine not less than ten dollars nor more than two hundred dollars.

ARTICLE 94. That it shall not be lawful for any person to ride or drive inside the city cemetery in a gait faster than a walk, nor shall any person ride or drive over or on any lot or lots, whether the same be improved or unimproved.

ARTICLE 95. That it shall be the duty of the City Sexton to keep the gate of the city cemetery so that it can be open to visitors on Sunday from 1 p. m. to 6 p. m.; and the Sexton, or some person acting for him, shall be present at the entrance or on the grounds, and shall enforce the rules for the preservation of order and decorum and the protection of property.

ARTICLE 96. That any person or persons violating any of the provisions of any of the preceding articles relative to "Cemeteries," shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine of not less than five nor more than one hundred dollars, and in addition thereto may be imprisoned in the city prison not exceeding fifteen days for each and every such offense.

ARTICLE 97. It shall not be lawful for any person to stake or permit to be staked any horse, cow, or mule within the boundaries of any cemetery located within the City of Austin, or to suffer or permit any horse, cow or mule to run at large within the boundaries of any such cemetery, and any person violating the provisions hereof shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than five nor more than twenty-five dollars.

ARTICLE 98. It shall be unlawful for the owner or person in charge of any dog to permit such dog to enter the enclosure of the Austin City Cemetery, and any person who shall violate the provisions hereof shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined in any sum not less than five nor more than ten dollars.

ARTICLE 99. It shall be the duty of the City Sexton to post a copy of the preceding article at each entrance of said cemetery.

CHAPTER IV.

BURIAL WITHOUT PROHIBITED.

ARTICLE 100. It shall be unlawful for any person to bury or cause to be buried, or to in any manner aid or assist in the burial of the dead body of any human being within the corporate limits of the City of Austin north of the Colorado River, except in the State Cemetery, the Mount Calvary Cemetery, and the cemetery heretofore established by ordinances of said city and therein designated as Oakwood or City Cemetery.

ARTICLE 101. Any person who shall bury or cause to be buried, or in any manner aid or assist in the burial of the dead body of a human being in violation of Article 100 of these ordinances shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined not less than fifty nor more than two hundred dollars.

TITLE X.

CORPORATION COURT.

CHAPTER I.

ESTABLISHING AND REGULATING.

ARTICLE 102. There shall be maintained in the City of Austin what is known as a Corporation Court, which said court shall be presided over by a Recorder, elected by the qualified voters of the City of Austin; that the salary of said Recorder shall be fifty dollars per month, and in addition thereto a fee of one dollar for each criminal action tried and disposed of before him, which shall be paid by a warrant duly drawn on the general fund of the City of Austin; provided, said fee of one dollar shall not exceed in any one month more than fifty dollars. There shall also be a clerk of the Corporation Court, which said clerk shall be known as the Clerk of the Corporation Court of the City of Austin; provided, however, that the said clerk shall be ex-officio day police clerk, and that it shall be the duty of said clerk to keep a docket and minutes of said court, and the judgment and fines so entered, and the payment of said fines, which of said fines are paid, and which of said fines are worked out, and the general disposition of said causes so tried in said court; and it shall further be the duty of said clerk to make a monthly report of said fines and collections and the disposition of said cases and file the same with the City Clerk of the City of Austin.

ARTICLE 103. The fines imposed in said court shall be the same as are prescribed for like offenses by the penal statutes of the State of Texas, and where said offenses are covered solely and alone by an ordinance of the City of Austin, such ordinance shall control.

ARTICLE 104. The clerk of said court shall tax costs in each case the same as is allowed in the justices' courts of this State to the Justice of the Peace, the County Attorney and the Constable for like services, and said costs and fines shall be collected by said clerk and turned in to the city treasury, as is provided by ordinance.

ARTICLE 105. The City Marshal of the City of Austin may be permitted to take bond with two or more good securities thereon, conditioned upon the faithful payment of the fine and cost imposed in any case, provided that in no case shall a bond be taken unless the sum of \$7.50 be paid in cash, said bond when so taken to be paid in monthly

installments of not less than five dollars per month, which said bond must in all cases be filed with the Clerk of the Corporation Court and kept by him open to inspection at any and all times.

ARTICLE 106. The procedure and the rules of evidence as provided by the statutes of the State of Texas for the County Court shall be the rules of procedure and laws governing the different subjects tried in said Corporation Court.

ARTICLE 107. The City Attorney, either in person or by deputy, shall represent the city in the prosecution of each and every complaint, and for such representation there shall be taxed as costs by the clerk the same fees as are allowed in a like case to the County Attorney by the statutes of the State of Texas governing such matters.

ARTICLE 108. The City Attorney of the City of Austin shall be allowed to appoint a deputy to be confirmed by the City Council to prosecute complaints in the Corporation Court, and the Clerk of the Corporation Court shall tax costs for said attorney in case of conviction the same as are allowed the County Attorney in justice courts, and said clerk shall collect such fee as costs; provided, however, that the said Assistant City Attorney shall be allowed as his sole and only compensation the sum of fifty dollars per month, which shall be paid him each month by a warrant duly drawn by the City Clerk and signed by the Mayor, and attested by the clerk, as is provided for the drawing of warrants in such cases; and provided further, that said attorney's fees shall not be paid unless the cash costs collected shall amount to sufficient to pay same, and should they not amount to sufficient to pay said fifty dollars then the said Assistant City Attorney shall only receive such sum as is collected on said account as attorney's fees.

ARTICLE 109. That the Corporation Court of the City of Austin shall have concurrent jurisdiction within the limits of the City of Austin within the courts of the justice of the peace.

ARTICLE 110. Hereafter, when any person is convicted in the Corporation Court of the City of Austin, and a fine is assessed and costs taxed against such person, and such person fails to pay such fine and costs in cash, or fails to give a hiring bond, as required by law, he shall be required to work the same out upon the streets of the City of Austin, or in the preparation of material to be used upon the streets or other public works or places of the City of Austin and the City Cemetery.

ARTICLE 111. Any person convicted in the Corporation Court against whom a fine is assessed and costs taxed may, upon his making affidavit that he is too poor to pay such fine and costs, be permitted to give a hiring bond payable to the City of Austin in terms and upon conditions as are now allowed and required by the State law, said bond to be payable in installments of not less than seven dollars and fifty cents per month.

and to be signed by two or more good and sufficient sureties, and to be approved by the Mayor of the City of Austin; and upon the giving of any such bond, and upon its approval by the Mayor, the Marshal is authorized and directed to turn over to such person so giving bond the said defendant; provided, that should there be a default in the payment of any part of such fine and costs according to the tenor and effect of said bond, the city is authorized to at once enforce the collection thereof in any court of competent jurisdiction.

ARTICLE 112. Upon the commitment of any person to the custody of the Marshal who fails to pay any fine or costs assessed and taxed against such person, or fails to give a hiring bond therefor, as above provided, the Marshal is authorized and he is hereby instructed to turn over to the Street Committee and the City Engineer, any such person or persons, and they shall be required by the City Engineer and Street Committee to perform such labor as may be required upon the streets of said city, and in the preparation of material for use in and upon said streets or public places, or used in the City Cemetery of the city in connection with and under the direction of the Committee on Cemeteries.

ARTICLE 113. There shall be allowed to each prisoner who owes a fine and who is working said fine out on the streets of the City of Austin under the supervision of the officers of the city the sum of one dollar per day, which said sum of one dollar per day shall be credited upon the fine and costs assessed against said prisoner by the City of Austin; provided further, that in addition to said one dollar allowance on said fine the city shall feed such prisoner while so engaged in working out said fine.

ARTICLE 114. Where a person has been fined by the City of Austin and is in the custody of an officer of the city and fails or refuses for any reason to work on the streets of the City of Austin, there shall be allowed to such person as a credit on such fine only the sum of twenty-five cents per day, and in addition thereto such meals as the officers of the City of Austin allow to such prisoners; provided, however, that nothing contained in this ordinance shall be construed to abridge the power of the Mayor and the City Council from at any time remitting the fine and costs of any prisoner for good behavior or good work on behalf of the city.

ARTICLE 115. The Corporation Court shall be opened every morning (Sundays excepted), unless for good cause a postponement be ordered.

ARTICLE 116. The Recorder shall require the attendance of the City Attorney, City Marshal or Sergeant of Police, and such of the police as may be necessary for the dispatch of the business of the court, at each meeting thereof, or as early before each meeting as may be neces-

sary, to the end that the court may be opened at its regular hour. He shall also compel the attendance of all persons accused of the violation of any law or ordinance and of all witnesses in like manner as in trials before justices of the peace.

ARTICLE 117. The Recorder shall have power to punish for contempt, subject to the restrictions imposed by law or ordinance, and shall cause due order and decorum to be observed during the sessions of his court.

ARTICLE 118. The Recorder shall keep a docket in which he shall each morning enter all affidavits or complaints filed in his court, stating the offense charged, the time of filing the complaint, and process issued with the returns thereon, the time of trial, the amount of fine, an itemized account of the costs, the judgment of the court and the final disposition of the cause.

ARTICLE 119. If the City Attorney, City Marshal or any policeman shall fail to attend any meeting of the Corporation Court, when required to do so; or, if the City Marshal, Sergeant of Police or any policeman shall wilfully fail, refuse or neglect to execute any warrant, summons, subpoena or attachment, or other process issued by the Recorder which it is made his or their duty to execute, or if any person shall fail or refuse to obey any such process, he or they shall be deemed guilty of contempt of court, and may be punished by the Recorder therefor.

ARTICLE 120. All prosecutions for violation of law or ordinances of the city shall be commenced in the Corporation Court by information or complaint, setting forth specifically and with reasonable certainty the particular act or omission with which the defendant is charged. Such information or complaint shall be in writing and shall be signed and sworn to by the person making the complaint.

ARTICLE 121. When an information or complaint shall be filed, as provided for in the preceding article, the recorder shall issue his summons or warrant of arrest, as in his opinion the exigencies of the public service may require, which process shall be executed by the City Marshal or any policeman in like manner as similar process from a justice's court may be executed by a Sheriff or Constable; provided, that nothing herein shall be construed to prevent the Marshal or any policeman of the city from making arrests without process for any violation of law or of the city ordinances when committed in his presence or view, or in any of the contingencies in which a Sheriff or other peace officer may act.

ARTICLE 122. If upon the face of any information or complaint, or if upon the trial of any information or complaint, it shall appear that the offense charged is not within the jurisdiction of the Recorder, he shall immediately transfer the case to some justice of the peace for

trial or examination, and shall deliver all the papers pertaining thereto to such justice of the peace.

ARTICLE 123. In all cases of misdemeanor or other violation of law or ordinance in this city the party charged before the court shall be entitled to a trial by jury in the same manner and form as provided by the statutes of the State in cases of trial for misdemeanors before justices of the peace.

ARTICLE 124. When application is made for a jury in the trial of any cause in the Corporation Court, it shall be the duty of the Recorder to issue a writ of facias directing the City Marshal to summon a jury of six lawful men, who are qualified by the laws of this State, to serve as jurors, unless the parties agree to a less number. And any person so summoned, who shall fail or refuse to attend, without good cause shown, shall be deemed guilty of contempt of court, and punished by a fine as provided by law.

ARTICLE 125. The Recorder in all matters pertaining to the administration of justice, concerning which there is no special provision made by ordinance, shall be governed by the laws of the State of Texas regulating proceedings in the justices' courts, so far as the same may be applicable.

ARTICLE 126. In all trials by jury in the Corporation Court, the city and the defendant shall have the same rights of challenge as in trials before justices of the peace.

ARTICLE 127. Jurors in trials before the Corporation Court shall be entitled to the same fees for like attendance and service as are allowed by law for jurors before justices' courts, to be taxed against the defendant if convicted, otherwise to be paid by the city as provided herein.

ARTICLE 128. Any person arrested for a violation of the ordinances of this city may be admitted to bail by executing a bond to the city, with sufficient surety, to be approved by the Marshal, in such amount as shall be fixed by the court, such bond to be conditioned for his appearance on a day therein named before the Corporation Court, then and there to answer for the offense with which he is charged, and await his trial, which bond shall be filed with the complaint in the office of the Recorder or City Marshal.

ARTICLE 129. The Recorder shall have power to punish all persons guilty of a contempt of his court by fine of not more than twenty-five dollars, or by imprisonment for one day, or both; and, in case of fine, may commit the offender until such fine is paid, as in case of other fines, but in such case the warrant of commitment shall set forth specifically the facts constituting the contempt.

ARTICLE 130. Each person rendering jury service in the Corporation Court of this city shall be entitled to a fee of fifty cents for each case

in which such service is rendered, whether the defendant be convicted or acquitted, which fee shall be collected of and from the defendant if convicted; provided, if the defendant be acquitted then such jury fee shall be paid by the City of Austin, and the certificate of the Recorder containing the number and style of the case, the date of trial, the name and residence of the juror and amount of his fee, shall be sufficient evidence that such service was rendered, and such certificate shall be filed with the City Clerk, and, after being approved by the Finance Committee, an appropriation shall be made by the City Council for the payment of the same, as for other bills and accounts against the city; provided, that such certificate shall not be transferable, and if transferred it shall not be paid by the city.

ARTICLE 131. It shall be the duty of the City Attorney, whenever it shall come to his knowledge that the City Marshal, Sergeant of Police or any policeman has been guilty of any willful failure or neglect of any duty, to present to the Corporation Court a written statement of such offense, and the Recorder shall take such action thereon as may be required by ordinance or be proper in the premises, and such statement, the proceedings of the Recorder thereon and all other papers relating thereto shall be presented by the Recorder to the City Council at its next regular meeting for such action as may be deemed proper by the City Council.

ARTICLE 132. All bail or appearance bonds taken and approved by the City Marshal or the Recorder, for the appearance before the Recorder of any person charged with the violation of any ordinance of the city, shall be forfeited in the same manner as bail or appearance bonds are forfeited before justices of the peace, and all penalties and forfeitures thereunder may be recovered by suit in the name of the City of Austin in any court of competent jurisdiction.

ARTICLE 133. The Recorder may, for good cause shown, continue any case pending before him from day to day, or may postpone the trial thereof to any future day. And the Recorder may, for good cause, grant a new trial to any person convicted before him of any violation of law or ordinance.

ARTICLE 134. In all cases where the defendant is convicted in the Corporation Court he shall be entitled to an appeal to the County Court of Travis County upon his motion for a new trial (which shall be in writing and filed within one day after conviction) being overruled, when he shall give notice of appeal in open court, and shall file with the Recorder an appeal bond payable to the City of Austin, in double the amount of the fine and costs assessed against him, such bond to be approved by the Recorder and to be conditioned that he shall prosecute his appeal with effect, and shall pay the fine and all costs adjudged

against him by the County Court, as well as all other costs that may have been adjudged against him in the court below, and such appeal bond shall be filed with the Recorder within ten days after judgment overruling the motion for a new trial has been rendered, and not thereafter.

ARTICLE 135. The Recorder shall not allow any complaint or information to be dismissed upon condition that the defendant or person accused shall pay the costs of the prosecution, or any portion thereof, but may require on dismissal of any case by the City Attorney or his deputy a written statement of the reasons therefor, to be filed in his court.

CHAPTER II.

THE RECORDER.

ARTICLE 136. At the time of the election of the city officers there shall be elected by the qualified voters of the city a Recorder, who shall hold his office for a term of two years and until his successor is elected and qualified. No person shall be eligible to the office of Recorder who is not a qualified voter in the State of Texas and in the City of Austin. The Recorder shall be a licensed lawyer and competent to discharge the duties required of him by the charter and ordinances of the city, and before entering upon the duties of his office shall take the oath of office prescribed by the Constitution of the State.

ARTICLE 137. In case of the absence from the city, illness or other temporary inability of the Recorder to discharge the duties of his office, or of his suspension, or of a vacancy in the office, the Mayor may discharge the duties of the office of Recorder, or may appoint some person possessing the requisite qualifications to discharge such duties, but neither the Mayor nor such appointee to hold, save until the Recorder shall be restored to duty, or the vacancy, if any, be regularly filled. The Mayor, while discharging the duties of the Recorder, shall receive no pay or compensation therefor, but the appointee above mentioned shall receive the salary of the Recorder during the period he may discharge the duties of the office.

ARTICLE 138. The Recorder shall hold the Corporation Court within said city, which court shall have jurisdiction of all offenses against the ordinances of the city. He may require of any person arrested under the provisions of the Charter or ordinances of the city a bond for his or her good behavior and to keep the peace, with two good and sufficient sureties, which bond shall be payable to the City of Austin. He shall have full power and authority to issue subpoenas for witnesses, and to compel their attendance by process of attachment. He may issue warrants of arrest, search warrants, executions, and any other processes which a justice of the peace may lawfully issue in criminal cases, and

may punish all contempts by fine and imprisonment, or either. He shall have, also, full power and authority to administer official oaths, and all other oaths or affirmations, and give certificates thereof. He shall be ex officio a justice of the peace, and shall possess and execute within the city limits all the powers and duties of such officer in criminal cases. He shall charge in all cases the same fees which are allowed to justices of the peace for like services, which shall be charged and collected as other fees, and when collected paid into the city treasury for the use and benefit of the city. He shall be a conservator of the peace, and his court shall be open every day, Sundays excepted, to hear and determine any and all cases cognizable before him, and he shall have the power to bring parties before him to trial forthwith. And he shall perform such other duties as may from time to time be prescribed for him by ordinance.

ARTICLE 139. Whenever the Recorder has good cause to believe that there has been, or is about to be, any violation of law or ordinance in this city, he may issue his warrant of arrest against the person or persons so offending or being about to offend, summon and examine witnesses, and otherwise proceed to try the same as provided by law or ordinance; and any person summoned to appear and testify as a witness in any case, who shall fail or refuse to appear, or who, appearing, shall fail or refuse to answer, under oath, all lawful questions propounded to him or her, may be punished for contempt of court, as in other cases of contempt.

ARTICLE 140. The Recorder shall have power to call to his assistance the city police, or any military company or citizens in this city, to assist in quelling or preventing any riot, rout, or unlawful assemblage, breach of the peace, or other violation of law or ordinance; and any and all persons so called upon shall be subject to his orders while on such duty; and any and all such persons refusing to answer any such call from the Recorder shall be deemed guilty of a misdemeanor, and on conviction shall be punished as in other cases of misdemeanor.

ARTICLE 141. The Recorder may be suspended or removed from office in like manner with other officers of the city for neglect or violation of duty, or for any misbehavior or misdemeanor in office.

TITLE XI.

COUNCIL, CITY.

CHAPTER I.

ORGANIZATION AND PROCEDURE.

ARTICLE 142. The City Council shall consist of a Mayor and a Board of Aldermen.

ARTICLE 143. The Board of Aldermen shall consist of fourteen members, two from each ward, who shall be residents of the wards from which they are elected.

ARTICLE 144. If any Alderman shall after his election remove from the ward from which he was chosen his office shall thereupon become vacant.

ARTICLE 145. The City Council shall be the judge of the election and qualifications of its members, and all other city officers, and shall determine contested elections of all city officers, made elective hereunder as provided herein, and shall prescribe rules of procedure in cases of contest.

ARTICLE 146. A majority of the City Council shall constitute a quorum to do business, but a smaller number may adjourn from day to day and may compel the attendance of absent members by arrest, or in such manner and under such further penalties as they may prescribe.

ARTICLE 147. The City Council may determine the rules of its proceedings, punish its members for a wilful violation of its rules and other disorderly behavior; and with the consent of two-thirds of its members elected expel an Alderman, but not a second time for the same offense.

ARTICLE 148. The City Council shall keep a journal of its proceedings, and a synopsis thereof may be published in some newspaper published in the city by the direction of the City Council; and any Alderman shall have the right to have the yeas and nays of the members recorded in the journal of its proceedings upon any question voted upon by such members.

ARTICLE 149. Upon the passage of ordinances appropriating money, imposing taxes, increasing, leasing or abolishing licenses, and of ordinances for borrowing money, the yeas and nays shall be entered on the journal, but no ordinance for borrowing money shall pass except by a vote of two-thirds of the whole Council.

ARTICLE 150. All ordinances and resolutions of a general character shall be read in the Council on three separate days, unless two-thirds of the Council elected shall dispense therewith.

ARTICLE 151. A majority of the members of the whole Council shall be necessary to pass an ordinance for any purpose appropriating the sum of five hundred dollars or upwards, or for passing an ordinance in anywise diminishing or increasing the city revenues.

ARTICLE 152. At the first meeting of the City Council after each general election and after contests of election, if any there be, are disposed of, the Council shall elect one of its members President of the Board of Aldermen, who shall hold his office for two years from the date of his election and until his successor is elected and qualified, and who in case of the absence of the Mayor from a session of the Council, shall act as presiding officer of the Council, and who in case of the death, resignation or inability to act or absence of the Mayor from the city shall perform all the duties of the Mayor, and in the absence of the Mayor and President of the Council any Alderman may be elected by the members present to preside, who shall exercise all the rights of the President of the Council in such cases.

ARTICLE 153. That the President of the Board of Aldermen shall vote only as an Alderman.

ARTICLE 154. The meetings of the City Council shall be held at the Corporation Court room in the City Hall, and there shall be a regular stated meeting of the City Council at least once a month, and no notice of which meetings shall be necessary, and such special meetings as the Mayor and any three Aldermen may deem necessary.

ARTICLE 155. Calls for special meetings shall state the nature of the business to be transacted at the meeting, and shall be read to each Alderman to be found in the city, or if any Alderman is out of the city a copy thereof left at the place of business of such Alderman as may not be seen in person by the policeman of the City of Austin serving the notice, who shall report in writing to the Council at the hour set for the meeting whom he has served and how he has served such notice, and the reason for not serving each Alderman in person. If it shall appear that two-thirds of the Aldermen have been served personally the Council may proceed to transact the business mentioned in the call, as if all the Aldermen had been personally notified of the meeting. The said notice and the return of the officer shall be recorded in the minutes of the meeting of the Council and shall be evidence of the nature of the call, and the service of the notice thereof.

ARTICLE 156. That the Mayor shall preside at all meetings of the City Council except as herein otherwise provided, and shall have a casting vote when the Council is equally divided, and not otherwise.

ARTICLE 157. That in case of a tie vote by the Council, the Mayor shall have the casting vote.

CHAPTER II.

POWERS OF.

ARTICLE 158. The said City Council shall have power and authority to fund, refund, compromise, adjust, scale or settle all or any part of the bonded indebtedness of said city, and for that purpose to issue refunding bonds.

ARTICLE 159. The City Council shall have power by ordinance to regulate the mode and manner of making out tax lists, inventories and appraisements of property for taxation and to prescribe the oath that shall be administered to each person on such rendition of his property, and to prescribe how, when and where property shall be rendered, and to prescribe the number and form of assessment rolls, and to fix the duties and to define the powers of the City Assessor and Collector and adopt such measures as the Council may deem advisable to secure the assessment of all property subject to taxation within the city, and to collect the taxes due thereon; and may by ordinance provide that any person, firm or agent in control, having property subject to taxation, or being liable for any tax under the provisions of the charter, and neglecting, failing or refusing to render a list, inventory and appraisal thereof, or failing or refusing to make oath thereto, as required by the ordinance of said city, shall be liable to fine and imprisonment or either as may be prescribed.

ARTICLE 160. The City Council shall have the care, management of the city and its property and finances, except as may be herein otherwise specially provided for, and shall have the power to enact and ordain any and all ordinances not repugnant to the Constitution and laws of the State, and such ordinances to alter, modify or repeal.

ARTICLE 161. The City Council shall have the power within the city by ordinance to levy and collect an annual tax, not exceeding two and one-half per cent of property values within the said city, and to pledge a part of said general revenue, not to exceed one-fourth of one per cent of the total taxable values for the liquidation, settlement and payment of the money to become due by virtue of the terms of any contract which may be by said city made for the purchase of any water, light or power plant at present owned and operated in said city by private persons or corporations, and to raise such further amount as may be necessary to pay interest and two per cent sinking fund annually on all bonded debts of the city, and to raise money on the credit of the city for a special and definite purpose, by issuing bonds of the city or otherwise.

ARTICLE 162. The City Council shall have full power and authority to provide, by ordinance for the seizure and sale by the City Assessor and Collector of a sufficient amount of personal property of any delinquent taxpayer to pay all taxes due by such delinquent to the city, together with all interest, penalties and costs.

ARTICLE 163. The City Council shall have full power and authority to pass all ordinances necessary to regulate advertisements and sales by the Assessor and Collector of property upon which taxes may be unpaid and to provide for the perpetuation of all proceedings with reference to such advertisement and sales and for execution of title to purchasers of property at tax sales, and to pass all ordinances necessary to enforce the collection of taxes; provided, that such ordinances shall allow any person whose real property has been sold for taxes at least two years from the date of the collector's deed to redeem the same, by paying double the amount paid for same.

ARTICLE 164. The City Council may provide by ordinance, that there shall be collected five per cent penalty against the person, firm or corporation failing, neglecting or refusing to pay their or its taxes by the time when the same begin to bear interest, but the City Council shall not have the power of repealing any tax levy after it has once finally passed same and after taxes have been partially collected thereunder.

ARTICLE 165. The City Council shall have power to levy and collect an occupation tax on all occupations, callings, business and professions taxed by the State of Texas and to provide adequate means for enforcing collection of the same, and to provide for the assessing and levying of the taxes aforesaid, and to determine when taxes shall be paid, but it shall not have the power to compromise back taxes.

ARTICLE 166. The City Council shall have exclusive control and regulation of all streets, alleys, sidewalks and highways and public squares within the corporate limits of the city, and shall have power:

1. To abate and remove encroachments thereon in summary manner.
2. To put drains and sewers therein, and when necessary to appropriate private property for that purpose; for the purpose of establishing streets and alleys to be condemned according to the laws relating to the condemnation of property by railroad corporations, the city occupying the place of the railroad corporation in such cases.

3. To permit and regulate the laying of gas and water mains therein, and the erection of telegraph and telephone and electric light poles therein.

4. To regulate, establish and change the grade of all sidewalks, streets and alleys, and to require and compel the cutting down or filling up and raising of such streets, sidewalks and alleys.

5. To construct, regulate and keep in repair all culverts, sewers and crossings, and to control and regulate the use of same.

6. To construct, regulate and keep in repair all necessary sidewalks, footways and streets.

7. To grade, cut down and fill up the same.

8. To regulate the use of the same and abate and remove encroachments and obstructions thereon, and to compel the same; provided, that when the City Council has once established a grade for any street, sidewalk, alley or park, and any owner of property abutting thereon has improved such property to conform to such grade, then the City Council shall not have authority to change such grade, except by consent of a majority of the owners by feet frontage of the property in front of which it is proposed to change such established grade.

9. To vacate streets and alleys.

ARTICLE 167. That the City Council shall fix and determine the nature of all sidewalks, streets, drainage and sewerage improvements and decide the kind of material to be used, and shall also fix and determine the necessity, nature and extent of streets and sidewalk improvements, repairs and reconstruction, and may at its discretion cause all or any part of such streets and sidewalks to be constructed, reconstructed, graded, regraded, paved, repaved, or in any other way repaired, improved or maintained, and said council shall have full power and authority to provide, by ordinance, for the manner of determining, after notice and by due process of law, of the amounts of benefits to each parcel of abutting property by reason of any such improvements, repair or reconstruction, and of a fair and just proportion, and of the amount of the cost of the same to be paid by each abutting owner, and may agree with such owner as to assessment for same.

ARTICLE 168. The City Council shall appoint five citizens of Austin, who shall constitute a Board of Street and Sewer Commissioners.

ARTICLE 169. The City Council shall have power to employ and fix the compensation of such agents as it may deem for the best interest of the city; provided, that the compensation of such agents shall not be increased during the time of their employment; and provided further, that the City Council may abolish any place created by it, and also discharge any person employed by it at any time that it may deem that the best interest of the city requires such action; and the city shall not be liable for the salary of such person after the place to which he has been elected has been abolished or he has been discharged by the City Council.

ARTICLE 170. That the City Council shall have power by ordinance:

1. To make regulations, to prevent the introduction or spreading of any contagious disease within the city, to make quarantine ordinances

for that purpose, and to enforce them within the city and within ten miles thereof, and to enforce vaccination, and to establish hospitals, and to make regulations for the government thereof within and without the city limits; and to make and enforce all other necessary regulations to secure the general health of its inhabitants.

2. To establish or erect or cause to be establish or erected market and market houses; to designate, regulate and control market places and privileges, and to inspect within or beyond the city limits and determine the mode of inspecting cattle, meats, birds, fowl, fish, vegetables, fruits, milk, and to seize and destroy any decayed or unwholesome fruit or vegetables, any impure or unhealthy or unwholesome meats, birds, fowl or fish and to regulate, license, control or prevent the sale or keeping for sale on public streets, squares and alleys of any article of food or drink, or any goods, wares and merchandise of any kind whatever.

3. To regulate, restrain, locate, abate or prohibit slaughter houses, glue factories, bone boilers, hide houses or establishments for curing hides, soap factories, places for rendering lard, tallow, offal and other substances that can be rendered, and all other establishments where any nauseous, dangerous, offensive or unwholesome business may be carried on.

4. To define what shall be a nuisance in the city, and to punish the authors thereof by penalties, fines and imprisonment.

5. To do all acts and make all regulations which may be necessary or expedient for the promotion of health or suppression of disease.

6. To co-operate with the Commissioners Court of Travis County in making such improvements connected with the city and county as may be deemed by the City Council and Commissioners Court necessary to improve the public health and to promote efficient sanitary regulations, and by mutual agreement they may provide for the construction of such improvements and the payment therefor.

7. To regulate the burial of the dead and to prohibit public funerals in cases of death from contagious or infectious diseases; to purchase, establish and regulate one or more cemeteries within or without the city limits; to regulate the registration of marriages, births and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians, ministers, sextons and others for any default in the premises.

8. To provide for the erection of all needful buildings for the use of the city within its limits, and to determine when it is necessary to acquire property or the use thereof by the power of eminent domain for all purposes for which the city may lawfully exercise such power.

9. To license and regulate auctioneers, grocers, merchants, retailers, hotels, boarding houses and bakeries, and to license and regulate or

suppress by ordinance hawkers, peddlers, brokers, pawnbrokers and money changers.

10. To license and regulate hacks, carriages, omnibuses, wagons and drays, and to fix the rate to be charged for carriage of persons and for wagonage, cartage and drayage of property.

11. To license and regulate theatrical and other exhibitions, shows and amusements.

12. To license and regulate billiard tables, bowling alleys, restaurants, drinking houses and saloons, and all places and establishments where intoxicating or fermented liquors are sold, and to regulate their location; and to restrain and suppress street beggars, disorderly houses, lotteries and all fraudulent devices and practices.

13. To suppress gaming and gambling of all kinds and descriptions, and to prevent the same.

14. To prohibit bawdy houses, houses of prostitution and assignation houses, and to punish prostitutes and keepers of houses of prostitution within the city.

15. To provide for the prevention and extinguishment of fires, and to organize and establish fire companies; also to regulate, restrain and prohibit the erection and repair and maintenance of wooden buildings in any part of the city, and to declare all wooden buildings which they may deem dangerous on account of fire nuisances, and to require the same to be removed in such manner as the Council may direct.

16. To regulate and prevent the carrying on of manufactories dangerous in causing or producing fires; to appoint fire wardens and property guards with power to remove and keep away from the vicinity of any fire any suspicious person lurking near the same, and to compel any person or persons present to aid in extinguishing the fire or in the preservation of property exposed to the same, and to prevent goods from being purloined thereat, and with such other powers and duties as may be prescribed by ordinance.

17. To compel the owners of houses and other buildings to have scuttles upon the roof of any such buildings or houses and stairs and ladders leading to the same.

18. To create a Board of Fire Commissioners.

19. To regulate and prescribe the manner of building partition and parapet walls and of partition fences.

20. To establish standard weights and measures, and to regulate the weights and measures to be used in the city in all cases not otherwise provided for by law.

21. To provide for the inspection of lumber, the measurement thereof and other building materials.

22. To provide for the inspection and weights of hay, the measure of charcoal and other fuel to be used in the city.

23. To regulate and prescribe the duties and powers and compensation of all officers and employes of the city in accordance with limitations of this charter, and to require bonds from them.

24. To provide for the taking of an enumeration of the inhabitants of the city.

25. To provide for the removal from office of any person holding an office created by this act or by ordinance not otherwise provided for.

26. To fix the compensation and regulate the fees of all jurors and witnesses, to impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for the recovery and appropriating of such fines and forfeitures and the enforcement of such penalties; provided, that no penalty shall exceed a fine of two hundred dollars or imprisonment not exceeding fifteen days for any one offense, or both.

27. To erect a workhouse and prison and a house of correction, and to provide for the regulations and government thereof.

28. To regulate and license all ferries and toll bridges within the limits of the city except that portion of the Colorado River above the northern boundary corporate line of the city calling to run westwardly would intersect the Colorado River if prolonged westwardly, nor shall any ordinance be enforced prohibiting hunting or fishing on said portion of the river; provided, that hunting or fishing in said territory may be regulated by the City Council.

29. To prevent and restrain any riot, disturbance or disorderly assembly in any street, house or place in the city.

30. To use, regulate, improve, grade and control all grounds owned by the city within its limits.

31. To regulate the size, number and manner of construction of doors and stairways of theaters, tenement houses, audience rooms, public halls and all buildings used for the gathering of large numbers of people, whether now built or hereafter to be built, so that there may be convenient, safe and speedy exits in case of fire.

32. To require the construction of suitable fire escapes on or in hotels, lodging houses, factories and other buildings, whether now or hereafter to be built.

33. To authorize one or more officers, agents or employes of the city to enter into and open all buildings and premises for the purpose of examining and discovering whether or not the same are dangerous on account of fire or in an unclean state, and cause the defect to be remedied and filth and trash to be removed, and generally the Council shall have the power to establish such regulations for the prevention and extinguishment of fires as it may deem expedient.

34. To prevent, prohibit and suppress horse racing, immoderate riding or driving in the streets; and prohibit and punish abuse of and cruelty to animals of every kind; to compel persons to fasten their horses or animals attached to vehicles while standing or remaining in the streets or other public places.

35. To prohibit the rolling of hoops, flying of kites, firing of fire-crackers or fireworks of any kind, or any other amusement having a tendency to annoy persons passing the streets or on the sidewalks; to restrain and prohibit or regulate the ringing of bells, the blowing of horns, whistles or bugles, the crying of goods and all other noises, practices or performances tending to collect persons on the streets or sidewalks by auctioneers or others for the purpose of business or otherwise.

36. To prevent all boxing matches, sparring exhibitions, cock fighting and dog fighting, and punish all persons making such exhibitions.

37. To regulate and prevent drumming on the streets or sidewalks, railroad platforms or other public places.

38. To require the owners of private drains, sinks and privies to fill up, clean, drain, relay, alter, repair, fix and improve the same as they may be ordered by resolution or ordinance, so as to prevent the same being or becoming a nuisance, and to impose penalties on persons not doing the same. And if there be no person in the city upon whom such order can be served, the city can have work done and the cost of same shall be a lien on the property taxed up against and collected in such manner as the City Council may direct.

39. To build, own and operate street railroads within and beyond the city limits.

40. To preserve order and prevent noise and confusion in and about the several depots on the arrival and departure of trains, and to make and regulate stands for vehicles at said depots and other public places.

41. To prohibit and regulate the driving of cattle or other animals through the streets of the city.

42. To inspect the construction of all buildings in said city, and to compel the connection of all buildings with sewers when such buildings are in the sewerage district where sewers are in operation, and to prescribe the rates charged for such sewerage.

43. To regulate and locate the erection of all poles in the city, and cause the same to be changed, whether telegraph, telephone, electric light or otherwise.

44. To regulate the speed of locomotives, engines and other cars and vehicles in the city.

45. To direct and control the laying of railroad tracks, turnouts and switches, and require that they be constructed and laid so as to

interfere as little as possible with the ordinary travel and use of the streets, and to require that they be kept in repair.

46. To erect, construct, build, operate and maintain a water and electric light system to supply the city and its inhabitants with water and electric lights by constructing and maintaining a reservoir of water in and about the channel of the Colorado River within and without the city limits by means of the dam across the same, as the same is now constructed, to serve as a reservoir and to furnish power to operate an electric light system and build such other reservoirs as may be necessary at such an elevated point within and without the city as may be necessary to supply the higher portions of the city with water. That for the purpose of constructing and maintaining such water and light system the city shall have the power to take, hold and acquire such property within or without the limits of the city as may be necessary for the city to obtain in order to build such system or any part thereof, but no property shall be taken overflowed with water or otherwise damaged by the city within or without the limits for such purpose without the consent of the owner thereof except by due process of law, and upon making adequate compensation for the property so taken or damaged or overflowed. When the owner of property which shall be overflowed or damaged by the construction of such system of water and light works, or which it may be necessary for the city to acquire, can not agree with the city as to the amount to be paid for injury to property or for overflowing same or the price which the city should pay to acquire such property the city may condemn such property as it may deem necessary for it to acquire for such purposes, and have the damages assessed which the city should pay for injury to property to be overflowed by water or otherwise injured in the manner that railroad corporations are now or may from time to time be authorized to condemn property, and may in like manner have the damages to be paid for the property injured or overflowed assessed and established, the city occupying the place of the railroad corporation in such proceedings.

47. To provide for the inspection of boats carrying passengers and freights for hire on the reservoir or lake on the Colorado River, formed by the construction of the dam across said river, and to prescribe all necessary rules and regulations for the safe conduct of boats thereon, and to exercise general police power over said reservoir or lake.

48. To regulate the use of locomotive engines, and to direct and control the location of cables and all other railroad tracks, and to require railroad companies of all kinds to construct at their own expense such bridges, turnouts, culverts and crossings as the City Council may deem necessary.

49. To regulate the speed of railway trains in the city limits and

their stops at the crossings, and require said companies to keep the streets through which they run in repair.

50. To regulate the running of horse railroad cars or cars propelled by dummy engines or other power, and laying down tracks for the same; the transportation of passengers thereon, the form of rails to be used.

51. To establish and regulate public pounds, and to regulate and prohibit the running at large of horses, cattle, mules, sheep, swine, goats, geese, dogs, and other animals or fowls, and to authorize the distraining, impounding and sale of same for the cost of the proceeding and the penalty incurred, and to order their destruction when they can not be sold, and to impose penalties on the owners or harborers thereof for violation of any ordinance.

52. To provide for the holding of election by the people, and to regulate the manner of holding the same, and every male inhabitant in the city qualified to vote for State and county officers in Travis County who shall have resided six months in the limits of the city shall be qualified to vote for city officers under this act.

53. To consent that the Mayor shall remit specific fines, forfeitures and penalties and grant specific reprieves and pardons for offenses arising under the ordinances of the city.

ARTICLE 171. The Council may enact any ordinance not in conflict with the penal laws of this State.

ARTICLE 172. Whenever any vacancy shall happen in the office of Mayor or Alderman within six months before time for holding a general election, it shall be filled by election by the City Council of some person not a member of the Council.

ARTICLE 173. The City Council may require a new bond of the City Assessor and Collector if in their opinion the existing bond is insufficient.

ARTICLE 174. That the City Council shall have power subject to the restrictions herein contained to make all ordinances which may be necessary and proper for carrying into effect the powers specified herein; provided, that the Council shall have no power to prohibit the owners of property abutting on the Colorado River from fishing in that river and resorting thereto for water and having access thereto for themselves and stock.

ARTICLE 175. Whenever an election is contested the City Council shall determine the same.

CHAPTER III.

REQUIREMENTS OF.

ARTICLE 176. The Council shall within two months after the beginning of each fiscal year, and after the salaries of officers and regular employes shall have been fixed for the year, cause to be made or adopt an estimate of the probable income from all sources which will be collected for the general fund during the fiscal year, and of the expenditures to pay salaries and wages of officers and regular employes and of the amount required to meet the other ordinary expenses of the city government, not including work on streets and bridges or other public improvements; said estimate shall be spread upon the minutes of the Council when adopted, and may be amended when the Council may deem them incorrect.

ARTICLE 177. After the adoption of the said estimate, it shall be unlawful for the City Council to so appropriate sums out of the general funds as to reduce the general fund below the amount which if said estimate be taken as correct will pay the said estimated expenses of the city government for the pending fiscal year.

ARTICLE 178. The City Council shall cause to be published within a month after the end of each fiscal year a full, complete and detailed statement of all moneys received and expended, classifying each receipt and expenditure under its proper head.

ARTICLE 179. The Council shall provide for such policemen as may be necessary for the proper policing of the city, which policemen shall receive such compensation as may be provided by the Council.

ARTICLE 180. The City Council shall by ordinance prescribe the rules to govern the said Board of Equalization.

CHAPTER IV.

PROCEEDINGS OF—MAY BE PUBLISHED.

ARTICLE 181. Whenever the Council may so direct, a synopsis of the journal of its proceedings may be published in some newspaper published in the city, but such proceedings shall not be published unless it be by direction of the City Council.

TITLE XII.

ELECTIONS.

CHAPTER I.

REGULATION OF.

ARTICLE 182. The City Council shall provide for the holding of election by the people, to be held in accordance with law, and every male inhabitant in the city qualified to vote for State and county officers in Travis County who shall have resided six months in the limits of the city shall be qualified to vote for city officers under this act.

ARTICLE 183. The officers of the city to be elected by the voters of the city shall be elected at a regular city election to be held on the first Monday in April of each odd year.

ARTICLE 184. When two or more persons shall have an equal number of votes for any office a new election shall be ordered by the Mayor except when the election is contested, and when contested determine such tie.

ARTICLE 185. Whenever any vacancy shall happen in the office of Mayor or Alderman more than six months before a general election same shall be filled by a special election by the qualified voters of the city.

ARTICLE 186. All elections shall be by ballot, and shall be held at such times and places as the City Council shall appoint, except that general elections shall be held on the first Monday in April of each odd year, and all elections shall be on a Monday.

ARTICLE 187. Judges of election shall be appointed by the City Council; they shall take an oath to faithfully and impartially discharge their duties; they shall open the polls at 8 o'clock a. m., and close them at 6 o'clock p. m. The election shall continue but one day, and during that day the polls shall be closed under no pretext whatever until 6 o'clock p. m. After the polls are closed the judges shall proceed to ascertain and certify the result of the election; provided, that each political party shall be entitled to have present, when the ballots are counted, one or more representatives of its own selection, but no person shall be permitted to interfere with or obstruct the judges of election in counting the ballots and declaring the result.

ARTICLE 188. No election shall be held in any grog shop, saloon, or other places where intoxicating liquors are vended.

ARTICLE 189. Printed or written instructions and blanks for the returns shall, in all cases, be furnished to the judges of election by the Mayor, and all returns of elections shall be directed and delivered to the Mayor. The judges of election shall, in all cases, preserve a duplicate copy of the returns.

ARTICLE 190. Whenever any election is to be held for the city, either at the general elections or to fill a vacancy, the Mayor shall give notice thereof at least ten days before the day fixed for said election, by printed notices posted in three or more public places in the city, setting forth clearly all the requirements of the law to the voters, the places of voting, the officers to be elected, and the time fixed for said election; naming at the same time, the judges and clerks appointed by the City Council for each place of voting, such places of voting to be fixed by the City Council, and the manner of conducting said election and making the returns thereof shall be the same as is provided by law in State and county elections, except as modified in the charter of this city.

CHAPTER II.

CONTEST OF.

ARTICLE 191. All contested elections shall be tried and determined by the City Council. Any person desiring to contest the election of any officer in this city shall, within three days after the return day, give him notice thereof, in writing, and shall deliver to him a written statement of the grounds of his contest. And the person whose election is contested shall, within three days after receiving such notice and statement, deliver to said contestant his reply to said statement. The City Council, in the trial of contested elections, shall be governed by the laws of the State of Texas regulating contested elections for State and county offices, so far as the same are applicable.

ARTICLE 192. All contested elections shall be decided within fifteen days from the date of election.

ARTICLE 193. In all cases of contested election before the City Council, the proceeding shall be conformed as nearly as may be to the provisions for removal and suspension of officers of the city.

ARTICLE 194. At the trial of a contest for the office of Alderman, the Mayor shall preside; but when the contest is for the office of Mayor, the President of the City Council shall be presiding officer, but without a casting vote.

ARTICLE 195. In case of a contest for the office of Mayor or Alderman, if the same be decided in favor of either party, such successful contestant shall be immediately declared elected and installed in office; other-

wise the office shall be declared vacant by the Board of Aldermen, when the Mayor shall order a new election.

ARTICLE 196. In any case of contested election, the Council shall, upon the evidence presented, decide the contest by a majority vote of a full Board of Aldermen, the Mayor having a casting vote in case of a tie.

TITLE XIII.

FIRE, PROTECTION AGAINST.

CHAPTER I.

FIRE DEPARTMENT.

I. ORGANIZATION.

ARTICLE 197. The Fire Department of the City of Austin shall consist of officers and members of the engine and hook and ladder and hose companies now organized and all such other companies as may hereafter be organized in the city and admitted to the Fire Department under the regulations hereinafter provided.

ARTICLE 198. The officers of the Fire Department shall consist of one Chief Engineer, one Assistant Chief Engineer and one Recorder, to be elected annually by ballot on the third (3rd) Monday of March of each year, at such place as may be selected by the Mayor, the polls to be opened at 3 p. m. and closed at 9 p. m., to be under the supervision of one member of the Fire Department, selected by the Mayor, and one member from each company, to be selected by the companies.

The candidates for the above named offices to be chosen from the members of the Fire Department, and when so selected and confirmed by the City Council, shall be installed on the anniversary of the Battle of San Jacinto following, and shall hold their respective offices until their successors are duly elected and qualified.

In case of any vacancy in the above named offices of the Fire Department, the Foreman and Assistant Foreman of the respective companies shall meet as soon thereafter as practicable and select by ballot such person as they may want appointed, whose name shall be presented to the City Council for confirmation or rejection.

In case of rejection by the City Council of the person named, another meeting shall be held, and they shall in the same manner select some other person, whose name shall be sent to the City Council for confirmation.

ARTICLE 199. No person shall be eligible to the office of Chief Engineer, Assistant Engineer or Recorder unless he has been an active member for three (3) years next preceding his election.

ARTICLE 200. The election of officers shall be by ballot, each member

of the Fire Department being entitled to one vote; plurality of votes cast, when more than two candidates, elects. The Department shall meet at time and place appointed, of which ten (10) days' notice shall be given by the Chief Engineer.

ARTICLE 201. Vote shall be by Australian ballot system.

ARTICLE 202. Official ballot shall be prepared by Department officers and placed by them in the hands of a printer, selected by them, at least five (5) days before the day of election.

ARTICLE 203. The necessary election expenses incurred, printing of ballots, etc., shall be paid out of the Department funds.

ARTICLE 204. All members of any company belonging to the Department are entitled to vote in all ballot elections; providing the member offering to vote has been such a member ninety (90) days prior to the date of election; and, providing further, that no company shall be entitled to vote more votes than it has members under its Constitution.

ARTICLE 205. The Secretary of the various companies of the Department shall furnish to the Recorder of the Department a certified list of their members who are qualified voters, ten (10) days prior to the date on which any election is to be held.

ARTICLE 206. The Chief Engineer, the Assistant Chief, the Recorder and Foreman of each company, with the Fire Committee of the City Council, shall constitute a Board of Fire Commissioners, vested with authority to make such rules and regulations pertaining to the Fire Department as may be necessary from time to time, and to investigate and adjudicate in all cases of irregularity, insubordination or disorder arising at fires, or on any other case in the Fire Department, the action of said board to be final.

ARTICLE 207. The Fire Commissioners shall meet at the call of the Chief Engineer, who shall issue such call whenever he deems the interest of the Department requires it, or whenever three (3) members of the Fire Commissioners make a request to do so, and two-thirds ($\frac{2}{3}$) of the members of the Board shall constitute a quorum.

ARTICLE 208. When any new fire company is proposed to be organized, a roll of the proposed active members shall be submitted to the Board of Fire Commissioners, whose duty it shall be forthwith to examine into the good character and capacity, as firemen, of the persons proposed, and also as to the necessity of the proposed company, and, on their favorable report to the City Council, said new companies may be organized and admitted to the Fire Department, and not otherwise.

ARTICLE 209. There shall be elected annually by each fire company, at such time as they may determine, from their own members, one Foreman, one Assistant Foreman, one Second Assistant Foreman, and such other officers as they may deem necessary, who shall be furnished with

a certificate of their election by the Secretary of the company, that they may be commissioned by the Mayor.

ARTICLE 210. The number of active members shall not be less than twenty (20) nor more than seventy-five (75) men, each of whom shall be reported by name to the Mayor, provided that each company shall have the right at any time, as a reward for long services or other merit, to place upon a roll of retired or honorary membership any member of said company whose name shall not be entered upon the roll of active members, but who shall be entitled to the benefits of members, without compulsory services or assessment; and provided, that this section shall not conflict with the number of men allowed by the State legislation to chartered companies.

ARTICLE 211. The Chief Engineer shall command the Fire Department. It shall be his duty, with the force and apparatus under his command, to prevent the destruction by fire of buildings and property within the City of Austin; and he shall exercise full authority in the premises, according to such ordinances as the City Council have or may hereafter ordain; and the Chief Engineer and Department shall be responsible only to the City Council for their official acts and conduct.

The Chief Engineer shall be empowered, and it shall be his duty, to call out the entire Fire Department once a year for general inspection of engines, trucks, apparatus and equipments, and for the washing of engines; the 21st day of April of each year shall be the time at which this is to be done, and it shall be his further duty to make a report of such inspection to the City Council annually, and such report shall be made prior to January 1st of each year, and which report shall contain a return of the property of the city in the possession of each company, and shall further contain an account of services rendered by each company and the manner in which the several companies have discharged their duties.

The Chief Engineer shall further have the power to suspend any one company for one month for neglect of duty or refusal to obey his orders, and report the same to the Council, who may order said company to be disbanded or reinstated by resolution.

It shall not be lawful for the Chief to call out the Department for other than annual parade, annual inspection, or for the funeral of the deceased members of the Department and officers of the city government.

ARTICLE 212. It shall be the duty of the Chief Engineer, at least once a month, to make a thorough inspection of the apparatus, buildings and other public property in the keeping of the various companies, to see that they are at all times kept in good order and condition, ready for use, and to make a full report of the condition of the Department, and of the property of the city in their possession to the City Council an-

nually. He shall also receive from any of the companies composing the Department communications on the subject of repairs required to the apparatus or buildings or other wants of the companies, and submit the same, with his recommendations on the subject, to the City Council for final action.

ARTICLE 213. The Chief Engineer shall be the first executive officer of the Fire Department, and shall have general supervision over all officers, members and employes thereof. He shall also have and exercise supreme command at all fires over the officers, members and employes and over all the apparatus and appurtenances belonging to the Department.

He shall take all measures which he may deem expedient for the extinguishment of fires and the protection of property and saving of life, and shall see that all laws and ordinances of the city and State, and all orders and rules and regulations concerning the Fire Department are enforced.

In case of absence of the Chief Engineer and Assistant Engineer, the senior Foreman of the companies present shall take command of the Department and be obeyed as Chief. And immediately after the San Jacinto celebration of each year, the Chief Engineer shall issue an order giving the dates of seniority of each Foreman, who shall rank in the order of such seniority, and be obeyed accordingly while in command of the Department, as before stated, and shall at once designate the senior officer.

ARTICLE 214. It shall be the duty of the Assistant Chief Engineer to execute all orders given him by the Chief Engineer in the extinguishment of fires; and in the absence of the Chief Engineer, he shall assume and take command of the Fire Department, and act as the Chief Engineer, and he shall be governed by the same ordinances and laws that govern the Chief Engineer while in command.

ARTICLE 215. All communications from the Mayor or City Council to the Fire Department shall be made through the Chief Engineer, or, in his absence, through the Assistant Chief Engineer of the Fire Department.

ARTICLE 216. All officers and members of the Department are strictly forbidden to make any purchases for the Department, except by direction of the Fire Committee of the City Council and the Chief Engineer, and all expenditures in and about the repair of the fire engines, or any of the apparatus, shall be made under the direction of the Chief Engineer.

ARTICLE 217. It shall be the duty of the Recorder of the Department to keep, in a book provided for that purpose, a fire register, showing the names, date of election and term of service of officers and members of the Department, the data for which shall be furnished monthly by the

Secretaries of the respective companies, giving the names of new members and of any deceased, resigned, suspended or expelled.

He shall also be present at all fires, where he shall take command of the Fire Police and establish and stretch the lines as directed by the Chief Engineer.

He shall also act as Recorder for the Board of Fire Commissioners, and perform such other duties as are required by the Chief Engineer.

ARTICLE 218. There shall be a Fire Police, consisting of three (3) members of each company of the Department, who shall be appointed by the respective companies for the term of one year. The duties of the members of the Fire Police shall be and extend to anything connected with fires, to serve as police at fires, for the protection and preservation of the peace and of property, and for the prevention of robbery and of crime; to prevent the interference or intermeddling of all persons not belonging to the Fire Department. The members of the Fire Police shall be sworn in as special policemen of the city by the Mayor, and shall have all powers and authority vested in special police officers, and they shall be furnished with a badge marked with the words "Fire Police," to be worn at all times; and each of the Fire Police and the Recorder shall be furnished with a uniform whistle for signaling.

The command of said Fire Police shall devolve upon the Recorder of the Department, who shall only be subject to the orders of the Chief or officer in command of the Department.

ARTICLE 219. The Recorder shall have authority to appoint an assistant from the Fire Police, who shall serve in absence of the Recorder and be designated as "Captain of Fire Police." It shall be the duty of the Fire Police to stretch lines under instructions of Recorder, and to keep all persons other than firemen outside of the line.

ARTICLE 220. Every member of the Fire Department on duty at fires shall wear in a conspicuous place the badge adopted by his company.

ARTICLE 221. Whenever any engine, truck, ladders, hose or other property whatever shall be furnished to any fire company by the city, the Foreman of said company shall receipt for each and every item thereof on the property books of the Chief Engineer. and he and his successors shall be responsible for the safe-keeping thereof, and shall, on the first (1st) Monday in December of each year, make to the Chief Engineer a report of the condition of said property, including all articles lost, destroyed, damaged or worn out, and the cause thereof.

ARTICLE 222. It shall not be lawful for any person, under any pretext whatever, other than for the purposes for which they are intended, to take, use, break, deface or injure any engine, truck, ladder, bucket, axe or other apparatus belonging to or in possession of the Fire Department, or any member or company thereof; and any person or persons

violating the provisions of this article shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished as in cases of other misdemeanors.

II. FIRE LIMITS.

ARTICLE 223. The fire limits of the City of Austin are hereby fixed and established as follows:

The fire limits shall include all of the following blocks, situated and fronting on the east side of Congress Avenue, namely, blocks Nos. 6, 18, 30, 42, 56, 69, 84, 97, 111, 123, and 180; also all the following blocks situated and fronting on the west side of Congress Avenue, namely, blocks Nos. 5, 19, 29, 43, 55, 70, 83, 98, 110, 124, and 173; also all of the following blocks lying and fronting on the south side of Pecan or Sixth Street, namely, Nos. 54, 57, 58, 59, 60, 61, and 62; and all the following blocks lying and fronting on the north side of Pecan Street, namely, blocks Nos. 64, 65, 66, 67, 68, and 71; and the territory within the limits above described shall be designated and known as the fire limits of the city; provided, that whenever a majority of the owners of any one block, outside of the fire limits, as above described, shall make written application to the Mayor and City Council to have said block so owned by them included within the fire limits, then upon the filing of said application with the City Clerk, duly signed by a majority of the owners of such block, asking that it be placed within the fire limits, the said block shall be held from that date to be within the fire limits, and subject to all the restrictions and penalties governing the fire limits.

III. FIRE REGULATIONS.

ARTICLE 224. An alarm of fire shall be given by ringing two or more strokes per second for the space of half a minute or more on the fire alarm bell or bells, and by blowing of the city waterworks whistle; and it shall not be lawful for any person to make or give a false alarm of fire by ringing any bell or blowing whistles in a similar manner, so as to be mistaken for an alarm of fire, or by crying fire.

ARTICLE 225. In case of fire, the Chief Engineer of the Fire Department, or his assistants, shall have authority to call upon any citizen to assist in any manner he may deem necessary in quelling the flames; and it shall not be lawful for any person, when so called upon, to fail or refuse to give his assistance.

ARTICLE 226. The Chief Engineer of the Fire Department may cause any house, awning, fence or other combustible material to be removed or destroyed, if it becomes absolutely necessary to do so in order to check further spread of the flames.

ARTICLE 227. The Mayor, Recorder, or City Marshal shall have power

to require all persons to correct, remove or abate anything or state of things done, caused or permitted by them, which would be liable to cause fire; and may enter any premises to inspect the same and to ascertain if anything therein be liable to cause fire; and if any person or persons shall fail or refuse to allow such inspection or to correct, remove or abate the thing or state of things liable to cause fire, when so required, the City Marshal may cause the correction, removal or abatement thereof, calling such assistance as may be necessary; and all costs attending such action shall be taxed against the party so failing or refusing, and collected as other costs.

ARTICLE 228. Whenever a fire shall have occurred in this city, it shall be the duty of the Mayor or Recorder, on the written application of any insurance agent interested therein, or of two or more freeholders, to make an examination into the cause or origin thereof, and if he deem it necessary he may summon witnesses and take any testimony, using the same rules as are prescribed by law for examining courts in criminal cases; and, if he find sufficient cause therefor, may direct the City Attorney to proceed as prescribed by law against any persons found to be implicated in causing such fire. And the same fees shall be allowed and paid by the city in such cases as are allowed by the State in criminal examinations before justices of the peace.

ARTICLE 229. The City Council may at any time order the owners or agents of any or all houses in the corporate limits of this city to have scuttles made in the roofs of the same and a ladder leading thereto, and such other regulations as they may deem necessary to prevent fires.

IV. FOREMAN.

ARTICLE 230. The Foremen shall have and exercise command over their respective companies, and shall be responsible for the discipline and condition thereof, and shall see that the houses under their control, and everything pertaining thereto, horses, harness, apparatus and equipments, are at all times kept in proper order.

ARTICLE 231. They shall enforce a strict compliance with the rules and regulations of the Department and the orders of the Chief Engineer, and report to him any infractions thereof.

ARTICLE 232. The Foremen shall, with their companies, respond promptly to alarms of fire, according to directions issued from time to time by the Chief Engineer, and upon their arrival at a fire immediately report to the officer in command in person or by messenger; or, if first to arrive, assume and exercise command until the arrival of a superior officer, and if deemed necessary, shall order a second alarm before the arrival of a superior officer. The apparatus should immediately upon arrival at fire be placed in position for service.

ARTICLE 233. They shall perform such other duties as may be required of them by their superior officers and the rules and regulations of the Department.

ARTICLE 234. It shall be the duty of the Foreman of each company which has fifty or more members to have in attendance at the funeral of a Department officer or any member of the city government not less than ten men in uniform. The Foreman of each company of less than fifty members shall have in attendance at the same funeral not less than six men in uniform.

V. DRIVERS.

ARTICLE 235. Drivers shall take proper care of their horses, exercise the greatest caution in their care and management, keep the stalls clean and see that everything pertaining to their department is in perfect order and in readiness for immediate service.

ARTICLE 236. They shall not race their horses while responding to or returning from alarms of fire, nor shall they pass other apparatus of the Department, unless such apparatus or horses be disabled. All proper dispatch consistent with safety must be used in responding to alarms of fire. In returning from a fire all driving shall be at a moderate rate of speed.

ARTICLE 237. They will see that gongs are rung at short intervals when proceeding to a fire.

ARTICLE 238. They shall not drive their apparatus over hose except when absolutely necessary.

ARTICLE 239. They shall perform such other duties as are required by their superior officers and the rules and regulations of the Department.

VI. HOSE.

ARTICLE 240. Cotton hose must not be allowed to remain on the wagon more than twenty-four hours in a wet or damp condition, unless unavoidable. The hose must be changed every fifteen days, unless the same has been in actual service during said time, and when said change is made.

ARTICLE 241. Cotton hose, after being used at a fire, and when returned to quarters, if only wet or damp, will be immediately hung up in the tower. If any hose is in a dirty condition from mud, etc., it shall be thoroughly cleaned, with a broom and water, if necessary.

ARTICLE 242. When changing hose, before it is taken from the wagon or reel, there must be lowered down from the tower all the hose that is to be put on, and the lengths coupled together, care being taken to see that the couplings and swivels are in perfect order and that all have proper washers. A small quantity of tallow or oil should be used on the threads and swivels, but not enough to run on the fabric or rubber, as grease will injure either. What hose is necessary can then be removed

from the wagon or reel and the dry hose placed thereon; the wet hose then hoisted in the hose tower. If any of the lengths of hose are injured, they must be rolled up and set aside.

VII. GENERAL RULES.

ARTICLE 243. It shall be the duty of any fireman who shall observe any one using water from or interfering in any manner with any fire hydrant in this city without permission from the Superintendent of the Water and Light Department to report same immediately to the Chief Engineer.

ARTICLE 244. Should the drivers at any time notice any dangerous holes or any plugs out of order, they shall at once notify their respective Foreman of same, who shall notify the Chief Engineer as soon as possible.

ARTICLE 245. Any company desiring to get off duty for any cause, the Foreman must notify the Chief Engineer beforehand, and the Foreman must see that each driver who answers in his district is notified before he allows his driver to leave his station. The Foreman of each company answering an alarm shall report as soon as possible to the Chief or commanding officer either in person or by messenger.

ARTICLE 246. A general alarm of two minutes' duration will be given by the Fire Department in case of a riot and public disturbances.

ARTICLE 247. Each company shall carry on its wagon a rope 100 feet long.

ARTICLE 248. No one shall ride or drive over the hose, except in case of absolute necessity.

ARTICLE 249. When a fire alarm has been given it will be unlawful for any person to open a hydrant or to draw water until the extinguishment signal has been given, which signal is one sharp tap on the fire bell and one blast of the whistle at the power house, and it shall be the duty of the Chief to see that this extinguishment signal is given without fail.

ARTICLE 250. On the sounding of the fire alarm, drivers on the street must pull aside and the street cars must stop until the trucks, wagons and engines have passed.

ARTICLE 251. In case of fire ring 500, give your name and location of fire, street and number of house, if possible, and the number of the ward.

VIII. FIREMEN'S CEMETERY LOT.

ARTICLE 252. The Firemen's lot shall be under full control of the Chief Engineer, whose duty it shall be to see that same is kept in good condition, and shall issue permit for burial in same and shall designate the location of the grave.

IX. UNIFORMS.

Chief Engineer.

ARTICLE 253. Coat to be double-breasted, square cut; to button to the neck with rolling collar, made to be worn open or closed; seam in back, raw edge, $\frac{1}{2}$ inch double stitched; two lower, one upper pockets with scalloped flaps $3\frac{1}{2}$ inches deep at points; two inside, cut crosswise; two rows of buttons, 8 in each row, to be placed in pairs. Sleeves to be stitched to a point from $3\frac{1}{2}$ to 6 inches; four buttons on sleeve. Buttons to be gilt and set in with rings. Length to be to the middle of first finger. Lining to be of heavy Italian cloth and striped satteen sleeve lining.

CHAPTER II.

BUILDINGS AND SUPPLIES.

ARTICLE 254. It shall not be lawful for any person or persons to erect or build any fence of wood or combustible material to a greater height than six feet from the surface of the ground, within the fire limits, and any person or persons failing to comply with any of the provisions of this article shall be fined not less than ten nor more than one hundred dollars; and for each and every day they continue to build fences of greater height than six feet, shall constitute a separate offense.

ARTICLE 255. That it shall not be lawful for any person or persons to erect, place, move, enlarge, or repair within the fire limits of this city any building of any size or kind whatever, or part of a building or an addition thereto, the outer walls of which are of any material other than brick, stone or concrete, and the roof other than tin, zinc, sheet-iron, slate or gravel; or to erect within the fire limits any booth, tent, structure of wood or wooden shed, or any wooden frame work to be covered with tin, zinc, sheet-iron or any other material; provided, this shall not prevent the erection of frame awnings, sheds or galleries over the sidewalks in front of brick or stone buildings only or small frame privies in the lots inside of the fire limits.

ARTICLE 256. It shall not be lawful for any person or firm within the fire limits of this city to keep on hand any hay, fodder, straw, shucks, shavings or other combustible material in an open lot, alley way, street or other place; but any one person or firm may keep on hand for their own use, in a building provided for that purpose, not to exceed two thousand (2000) pounds of hay, fodder or shucks; and provided further, that all hay, fodder, straw, shucks or long forage kept for sale by any person or firm within the fire limits, shall be baled, pressed and bound with iron ties or wire, in bales not more than four hundred (400) pounds each and not to exceed, in all, two thousand pounds on hand at any one

time, and when *kept for sale* within the fire limits it shall be kept in a brick, stone or concrete building covered with metal, slate or gravel.

ARTICLE 257. If any person shall within the fire limits of this city keep on hand any hay, straw, fodder, shucks or other combustible material, in any open lot, alleyway, street or other place, without having the same securely enclosed, so as to protect it from flying sparks of fire, he shall, on conviction, be fined not less than five nor more than one hundred dollars.

ARTICLE 258. If, within the fire limits of this city, any person shall build, repair, alter, change or move from one place to another, any frame building or buildings, the outer walls of which are constructed in whole or in part of wood; or repair the roof of any such frame building; or repair or rebuild any frame building after damage by fire; or alter or repair or rebuild any awning, gallery, shed, or porch now in front of any frame building; or build any new awning, shed, gallery or porch to any frame building, he shall be fined not less than five nor more than one hundred dollars.

ARTICLE 259. It shall not be lawful, within the fire limits of this city, for any person or firm to arrange, locate, keep or establish any lumber or wood yard, or place for the purpose of carrying on lumber dealing, or for the storage and sale of cordwood; provided, that all lumber or wood yards, or places for storing lumber or wood, within said fire limits, from and after the passage of this ordinance, shall be, and the same are hereby declared unlawful, and shall be abated or removed before the expiration of six (6) months from the date of the passage of this ordinance.

ARTICLE 260. It shall not be lawful to grant any right or privilege in violation of any of the ordinances governing the fire limits of the city, except upon petition, which petition shall, before being acted upon by the City Council, first have been unanimously indorsed by the fire commissioners at a regular meeting, and shall then be read and approved by a two-thirds vote of the City Council at two separate and distinct meetings of the Council.

ARTICLE 261. If any person shall violate any of the provisions of Articles 255, 256, 259, or 260, relating to the fire limits of this city, he shall be fined not less than five nor more than one hundred dollars.

ARTICLE 262. Each day on which any of the ordinances regulating the fire limits are violated, shall be a separate offense, and the builder, contractor, carpenter or other person erecting, moving, building, enlarging or repairing any such building, and the person owning or controlling the same, shall each and all be deemed guilty of a misdemeanor, and may be proceeded against jointly or severally by the city; and each

day that any such building remains so erected, builded, moved or enlarged shall constitute a separate and distinct offense; and the City Marshal, after a judgment of conviction in any such case had in the Corporation Court may proceed to take away, remove, raze or destroy any such building or repairing, calling to his aid any such assistance as may be necessary, and all costs attending the same shall be taxed against the defendant in the suit wherein judgment has been obtained, and be collected as are other costs.

CHAPTER III.

CHIMNEYS, FLUES, FIREWORKS, ETC.

ARTICLE 263. It shall not be lawful, within the corporate limits of this city, to erect any stove or Franklin, unless the pipe thereof be conducted into a flue or chimney made of brick or stone. The walls of such flue or chimney shall not be less than four (4) inches in thickness, and shall be plastered inside and outside where passing through woodwork; nor shall any naked pipe be allowed to pass through the floor or ceiling of any building; and in every wooden wall, partition, floor and ceiling through which a pipe is to pass, there shall be placed a stone or earthen crock, or double tin or galvanized iron cylinder, through which the said pipe shall extend, and between such crock or cylinder and such pipe there shall be a space of at least one (1) inch, and the pipe shall be at least four (4) inches from the wall, partition or any woodwork. No flue shall be constructed within the limits of the city, unless of brick or stone, and not less than four (4) inches in thickness, and with a solid masonry foundation, on which such flue shall rest; and it shall be the duty of any owner, mechanic, or other person constructing a flue or chimney within the limits of the city to give notice in writing at the Mayor's office of the time when said work shall be in process of construction, and stating the number of lot and block in which same is to be erected.

ARTICLE 264. It shall not be lawful within the corporate limits of this city to erect, build, construct or keep any chimney, hearth, oven, boiler, stove, range, smokehouse, kettle or other apparatus, in such a manner as to be dangerous, or calculated to promote fires; or to set up, or use, or cause to be set up or used, any stove, furnace or range, any part of which shall be within two feet of any woodwork or other combustible material, unless said wood, or other combustible material, be so covered with a metallic covering as to be secured from danger by fire; or shall set up or use, or cause to be set up or used, any stove, furnace or range, unless the same be placed upon a platform of brick, sheet-iron or other incombustible material, extending at least six (6) inches in all directions beyond any part of the same from which fire may be taken out.

ARTICLE 265. It shall not be lawful, within the corporate limits of this city, for any person or firm to allow the flues or chimneys of any building owned, occupied or controlled by him, her or them to become unclean, so as to be liable to cause fire, or to set fire to, or cause or allowed to be set fire to, or burn out, any flue or chimney on premises owned or controlled by him, her or them, except in the daytime and when rain is falling.

ARTICLE 266. It shall not be lawful for any building within the corporate limits of this city to have any hatch, stairway opening, elevator opening, wellhole or manhole on any floor in said building, unless such hatch, stairway opening, elevator opening, wellhole or manhole shall have a close fitting hatch cover, or a fixed railing at least three (3) feet high, to protect firemen and other persons from falling through in the dark.

ARTICLE 267. It shall not be lawful, within the corporate limits of this city, to discharge, fire or set off any pyrotechnic exhibition, rocket, blue light, squib, cracker or other fireworks whatever, unless authorized by the Mayor so to do.

ARTICLE 268. It shall not be lawful for any person or persons to carry on in this city any manufactory, or to exercise any business or profession, which is liable to cause fire.

ARTICLE 269. It shall not be lawful to keep on hand within the corporate limits of this city, for sale or otherwise, in any house, store, shop, or other building, more than twenty-five pounds of gun or blasting powder, unless in a fire proof magazine such as may be authorized by a resolution of the City Council; and it shall not be lawful to keep on hand for sale or otherwise more than two hundred and fifty gallons of kerosene oil or other oil or compound which is explosive, except in a fire proof magazine authorized by resolution of the City Council; and it shall not be lawful to keep on hand in any one place for sale or otherwise more than one hundred gallons of turpentine, oil of vitriol, aquafortis, or other liquid of a combustible nature, unless in a fire proof magazine authorized by the City Council.

ARTICLE 270. It shall not be lawful, within the corporate limits of this city, to burn any shavings or other combustible matter, or light or make, or cause to be lighted or made, any fire in any street, alley, square, thoroughfare, public or private place, outside of any building; or to build, light or make any fire, deposit any ashes or hot embers, or do anything on any premises liable to cause fire in the surrounding buildings, or cause or authorize the same to be done; or to carry, or cause to be carried, in any public place any fire, burning coals or brand, unless the same be shut up in a covered vessel; or to carry, or cause to be carried, in any place containing hay, straw, shavings or other combustible

material, any lighted candle or brand, unless the same be securely enclosed against all accidents.

ARTICLE 271. It shall not be lawful for any person in this city to carry or cause to be carried in any street, alley, or other public place, any burning coals or brands, unless the same be shut up in a covered vessel; nor to build or make, or cause to be built or made, in any premises, public or private, any fire of wood, coal or other combustible material.

ARTICLE 272. The Mayor or City Marshal shall have power to require all persons to correct, remove or abate anything or state of things done, caused or permitted by them, which would be liable to cause fire; and may enter any premises to inspect the same and to ascertain if anything therein be liable to cause fire; and if any person or persons shall fail or refuse to allow such inspection, or to correct, remove or abate the thing or state of things liable to cause fire, when so required, the City Marshal may cause the correction, removal or abatement thereof, calling such assistance as may be necessary; and all costs attending such action shall be taxed against the party so failing or refusing, and collected as other costs.

ARTICLE 273. If any person or firm shall violate any of the provisions of this chapter (Arts. 263 to 273, inclusive), relative to fire regulations, he shall be fined not less than five nor more than one hundred dollars; and each day in which any of the provisions of the ordinances of the city relating to fire regulations are violated, shall constitute a separate and distinct offense; and the owner, agent or person controlling, as well as the occupant of any building or premises on which any of the provisions of the ordinances pertaining to fire regulations are violated, may be proceeded against by the city either jointly or severally.

CHAPTER IV.

THEATERS OR PLACES OF PUBLIC AMUSEMENT.

ARTICLE 274. It is hereby required of the owners of buildings used or offered for use in whole or in part as theaters or places of public amusement or entertainment of any kind:

(a) That all doors at the audience part of such buildings or of such parts of such buildings be constructed so as to open to the outside of the building or part of the building used or offered for use for such purpose.

(b) That for each 2500 square feet, and for every fraction thereof, of each floor used for seating people one door or one exit of not less than five feet in width or two or more doors or exits of not less than thirty-four inches in width be provided.

(c) That such buildings or parts of buildings, if the ground floor

audience part thereof borders on streets or alleys of the City of Austin, or area ways under the control of the owner of such building, and if such audience part has floor space of exceeding 2500 square feet shall be provided with at least one door on each side of such audience part, bordering no such streets, alleys or such area ways, one door on each such side to be at least three feet in width, and additional doors may be not less than thirty inches in width.

(d) That if such buildings or parts of buildings are more than one story in height and the upper stories are open to the public, each story above the first, for each 2500 square feet and part thereof of audience room, be provided with one staircase of not less than three feet in width leading into the lower story, or, in lieu thereof, with two or more staircases of not less than thirty inches in width each leading into the lower story.

(e) That each such building or part of building fronting on a street, alley or area way, such area way being under the control of the owner of the building, shall, if the public is admitted to a floor or floors above the first or ground floor, be provided for connection of all such upper floors with the street, alley or such area way with at least one metallic fire escape, which may be a stair fire escape or a Kirker-Bender escape or similar automatic device, and which must be on the outside wall and attached thereto, and which must be provided, if it is a stair fire escape, with platforms at an exit from each upper story connecting with such fire escape; such stair fire escape to be not less than two feet in width if it connects with one story, and not less than three feet if it connects with more than one story.

(f) That all such buildings or parts of buildings, which are provided with a stage distinctly separate from the audience part, shall, if any inflammable material is contained on such stage, be provided with what is commercially known as an "asbestos curtain," which, when lowered, shall cover the proscenium or main opening between the audience and such stage.

(g) That the stage part of such buildings or parts of buildings used by performers, if such stage be distinctly separate from the audience part, may be connected with exits through the audience part, but must also have independent exits, and must be provided with one or more doors, sliding or otherwise, the aggregate door space for each 2000 square feet of stage floor and fraction thereof to be not less than three feet in width, and at least one of such doors to lead to the outside of such building, and if such stage part of such building is situated on a floor above the ground floor, at least one exit is required to communicate directly with a metallic fire escape of the character as in this ordinance

described, and if such fire escape be a stair fire escape, same must be not less than two feet in width.

(h) That one fire hydrant with openings of at least one and one-half inches be placed on each side of each floor of the audience part of such building or part of building, and also on the stage part, and that such hydrants be connected with the necessary piping (not less than one and one-half inches) inside and outside the building; provided, however, that such hydrant or hydrants are not required in buildings where the total audience part is less than 2500 square feet, if a city fire hydrant be located less than 100 feet from such building.

(i) That the appliances described in the subdivisions (a) to (h) of this article be placed in a state of repair so as to render them safe, whenever the certificate of the inspectors as provided for by Article 276 discloses that they are not in a safe condition.

ARTICLE 275. The word owner as used in the foregoing article is to be construed as meaning the owner or owners in fee simple or of a life or lesser estate of such building, and includes guardians, administrators and executors and trustees of the legal title for the benefit of others, and may mean the duly authorized agent of such owner if such owner be not a resident of the City of Austin, but the term owner does not include trustees under a deed of trust in the nature of a mortgage.

ARTICLE 276. None of the buildings above described or parts thereof shall be used for public gatherings or performances until they have been inspected by the Mayor and the Chief or Acting Chief of the Fire Department of the City of Austin and a certificate of compliance with Article 274 of this ordinance, and of the safe condition of the appliances by said article required has been issued by them to the owner. Said officers, jointly, are hereby charged with the duty to inspect the buildings and the parts of buildings of the above mentioned character within thirty days after this ordinance has gone into effect, and to inspect same annually thereafter during the month of December. Such inspection is to be made by them for the purpose of ascertaining whether or not the requirements of Article 274 have been complied with by the owner of such buildings or parts of buildings, and for the purpose of ascertaining whether or not the appliances mentioned in Article 274 are in a safe condition. Said officers are required to give a certificate of inspection to the owner of such building immediately after such inspection has been made. If such certificate is to the effect that the requirements of Article 274 of this ordinance have been complied with, and that the appliances required by said article are in safe condition, then such certificate shall be and is hereby made conclusive evidence of the compliance on part of the owner with the foregoing requirements for a period of twelve months from the date of such certificate and until the next inspection in Decem-

ber of the year following has been made, and such owner holding such certificate is for the period of twelve months after the date of such certificate, and until the next inspection in December of the year following such inspection, relieved from any and all liability under this ordinance.

ARTICLE 277. No such buildings or parts of buildings shall be open to the public unless the foregoing requirements have been complied with and a certificate to that effect and to the effect that the appliances are in safe condition has been obtained as above provided.

ARTICLE 278. Any owner of such building or part of building who shall fail to comply with the foregoing sections of this ordinance, or fail to obtain a certificate as herein provided showing compliance and safe condition, shall be held to have violated this ordinance if the public is admitted to such building or part of building while such delinquency continues, and each day on which the public is so admitted in violation of this ordinance shall constitute a separate offense, and such owner shall, on conviction, be fined not less than twenty-five nor more than one hundred dollars for each offense.

ARTICLE 279. Any person who trespasses on any such building or parts of building or staircases, fire escapes, doors or exits or other appliances thereof in this ordinance provided for, and any person not duly authorized who in any way obstructs or destroys same or any part of them, or interferes with them or any of them, shall be deemed guilty of a breach of this ordinance, and on conviction shall be fined not less than five dollars nor more than twenty-five dollars.

ARTICLE 280. The persons in actual possession, as lessees, managers, or otherwise, of any such buildings or parts of buildings as above described, not, however, the owners, if they have leased to tenants such buildings or parts thereof, are hereby required:

(a) To provide over each exit of such building or part of building red colored lights, not oil lamps, nor gas or electric lights unless supplied by pipes or wires independent from those providing the general light for such building or part of building, and such lights are to be kept lighted while the public is in such building or parts of building.

(b) To station persons familiar with the modes of exit, at each such exit during each performance and until the public has left such building or such part of building; and at all such times some person is also required to be stationed at the asbestos curtain, if any be required in said building under this ordinance, such person to be familiar with the handling of such curtain.

(c) To provide for each 2500 square feet or fraction thereof of audience room of each floor four chemical hand grenades to be placed conveniently accessible for ready use, at opposite sides of each floor; provided there shall not be less than six on each floor, and to provide

at least four of such grenades for each stage, to be kept at opposite sides of the stage, conveniently accessible for ready use.

(d) To provide water from the water works mains for the fire hydrant or hydrants if any are by this ordinance required in such building or part of building, and to provide at least twenty-five feet of one and one-half-inch fire hose and suitable nozzle for each hydrant, which together with the key to each hydrant must be kept near the hydrant conveniently accessible for ready use.

(e) To keep all doors of exit in perfect working order at all times and to keep all fire escapes and staircases free from all obstruction and for immediate use in case of need.

(f) To provide an aisle of not less than two and one-half feet in width leading from the audience part of the building to an exit for each 2500 square feet of audience room or fraction thereof.

(g) To keep each and every aisle free from all obstruction during each performance or gathering to which the public is admitted, and also to keep the public from standing in or being seated in any of such aisles at such times. No temporary seat or other obstruction shall be allowed in any passage or aisle, exit or entrance of said theater or public place of amusement.

ARTICLE 281. The City Attorney, the Chief of the Austin Fire Department and the City Marshal of the City of Austin are hereby authorized to enter all places above described when the public is admitted, for the purpose of determining whether or not the requirements of Article 280 are fully complied with and are being carried out, and the City Marshal is hereby required to enforce compliance with said Article 280, and to close performances or entertainments and to prohibit performances and entertainments until such requirements are fully complied with and carried out, and to institute prosecutions for all infractions of said Article 280 as well as Article 282.

ARTICLE 282. Any person of the audience or any other person who obstructs the carrying out of Article 280 in any of its provisions is to be considered guilty of the violation of said Article 280, and shall be fined, on conviction, in the same manner as the violators of said article, who are by said article charged with carrying out the provisions thereof.

ARTICLE 283. Any person violating the provisions of Articles 280 and 282 shall, upon conviction, be fined not less than twenty-five nor more than one hundred dollars.

ARTICLE 284. This chapter shall not apply to any buildings or parts of buildings owned by the United States, the State of Texas or the County of Travis.

CHAPTER V.

PETROLEUM, CRUDE—REGULATING USE OF.

ARTICLE 285. The use of crude petroleum and manufactured fuel oil for generating steam in the City of Austin shall hereafter be subject to the following regulations, to-wit:

(a) All tanks for storage supply shall be constructed of $\frac{1}{8}$ inch or heavier boiler or tank iron, No. 16 galvanized iron or steel; corrugated may be used in horizontal tanks only, but shall be placed under ground in all cases.

(b1) No tank shall be filled in excess of 98 per cent of its total capacity and the filling pipe shall be kept perfectly sealed except when used in filling.

(b2) All tanks shall have gas-tight manheads at top; and overflow pipes from pumps, standpipes or accumulators to storage tanks shall have a capacity one and one-half times the inside diameter of oil pump section pipes.

(b3) Indicators, two-inch pipe, shall be screwed into angle, riveted on manheads and extending down inside tanks to point two inches from bottom; gauge poles to stand inside pipes.

(b4) Suction pump shall be at least four inches above bottom of tank.

(b5) Two-inch vent pipes covered at top with copper gauge shall extend two feet above tanks and if tank is within fifty feet of any building such vent pipe shall extend six feet above the roof thereof, provided that in such cases vent pipes may be laid under ground from tank to building and run up outside wall.

(b6) The steam pipes not less than one inch in diameter shall connect boilers with top of storage tanks.

(c) Where tanks are wholly or in part above ground they shall be located at least one hundred feet from any building, platform, shed or lumber pile, and shall be enclosed by substantial brick walls or earth embankments forming reservoirs of sufficient capacity to hold double the contents of said tanks; and syphons shall be provided and so arranged as to carry off all seepage or leakage in reservoirs and discharge same outside where its burning would not endanger exposed property.

(d) All tanks for the use of crude petroleum which are not wholly under ground shall be located at least ten feet (and in case of manufactured fuel oil, five feet) from any building, and tops of such tanks shall be buried four feet (and in case of manufactured fuel oil, two feet) below surface of ground.

(e) In every case tank shall be so placed, that highest point in oil

supply shall be two feet lower than furnace where oil is to be burned or converted for burning.

(f) The conveying of oil to furnace shall be by artificial pressure or suction, whether by pump, vacuum, or other means that will accomplish the purpose. This expressly prohibits the feeding of oil by gravity pressure or by other means from a storage supply higher than the furnace, provided (a) that oil may be fed to burners at furnace under a maximum pressure of ten pounds to the square inch from an iron standpipe, having a maximum capacity of ten gallons in case of crude petroleum (and twenty gallons in case of manufactured fuel oil) located outside all buildings and supplied from storage tanks by pump while oil is being conveyed to furnace, standpipe shall be securely anchored to foundation and shall have an overflow pipe (with capacity $1\frac{1}{2}$ times the inside diameter of oil pump suction pipe) to storage tank, and shut-off cock where supply pipe leaves standpipe for burners; (b) provided further, that oil may be fed to burners at furnace from an iron accumulator or air chamber, having a maximum capacity of ten gallons in case of crude petroleum (and twenty gallons in case of manufactured fuel oil) located outside all buildings and supplied from storage tank by pump while oil is being conveyed to furnace. The accumulator shall be securely anchored to foundation and shall have a relief valve and overflow pipe (with capacity $1\frac{1}{2}$ times the inside diameter of oil pump suction pipe) to storage tank and shut-off cock where supply pipe leaves accumulator for burners.

ARTICLE 286. All tanks, reservoirs, standpipes, accumulators and other appliances shall be located and erected under the supervision of the City Engineer and Fire Commissioners; provided, that no tank, reservoir, standpipe, accumulator or other appliances shall be erected in any street or alley of the City of Austin, unless same is placed wholly underground.

ARTICLE 287. It shall be a misdemeanor for any person or persons to violate any of the provisions of the two preceding articles, and any person or persons so violating same shall, on conviction thereof, be fined not less than twenty-five nor more than one hundred dollars for each offense.

TITLE XIV.

FISH.

CHAPTER I.

CATCH OF REGULATED.

ARTICLE 288. It shall no be lawful for any person or persons to throw, drag or haul any fish net, seine or other contrivance for the purpose of catching fish in the Colorado River within the corporate limits of the city; provided, this section shall not be so construed as to prevent fishing with the ordinary pole, line and hook, or set line with not more than three hooks attached thereto, or to catch fish by hand or with a small minnow net for minnows only; and provided further, that it shall be lawful to fish with the trot line above the dam constructed across the Colorado River by the City of Austin, and at any point more than two hundred yards below the foot of said dam.

ARTICLE 289. That any person or persons who shall violate any of the provisions of the preceding article shall be deemed guilty of a misdemeanor and on conviction shall be punished by a fine of not less than five nor more than one hundred dollars for each and every offense.

TITLE XV.

GAMING.

CHAPTER I.

PROHIBITING.

ARTICLE 290. If any person in this city shall play at any game with cards, at any house for retailing spirituous liquors, storehouse, tavern, inn, or any other public house; or in any street, highway, or other public place, or in any outhouse where people resort, he shall on conviction be fined not less than ten nor more than one hundred dollars.

ARTICLE 291. All houses commonly known as public, and all gaming houses are included within the meaning of the preceding article. Any room attached to such public house and commonly used for gaming is also included, whether the same be kept closed or open. A private room of an inn or tavern is not within the meaning of public places, unless such room is commonly used for gaming; nor is a private business office or a private residence to be construed as within the meaning of a public house or place; provided, said private residence shall not be used as a house for retailing spirituous liquors.

ARTICLE 292. In prosecutions under the two preceding articles, it shall not be necessary for the city to prove that any money or articles of value, or the representative of either was bet at such game. The offense is complete without such proof.

ARTICLE 293. If any person shall bet or wager at any gaming table, or bank, or pigeon-hole, or Jenny Lind table, or nine or ten-pin alley, or at any table, bank or alley of any name whatever, or without a name, or shall bet or wager any money, or other thing of value, at any game played with cards, he shall, on conviction, be fined not less than ten nor more than one hundred dollars.

ARTICLE 294. The foregoing article is intended to include every species of gaming device known by the name of table, or bank of every kind whatever, and any and all games which, in common language are said to be played, dealt, kept, or exhibited.

ARTICLE 295. If any person shall permit any game prohibited by the provisions of this chapter to be played in his house, or a house under his control, or upon his premises, or upon premises under his control, the said house being a public place, or the said premises being ap-

purtenances to a public place, he shall, on conviction, be fined not less than twenty-five nor more than one hundred dollars.

ARTICLE 296. If any person shall rent to another a room or house for the purpose of being used as a place for playing, dealing or exhibiting any of the games prohibited by the provisions of this chapter on the subject of gaming, he shall, on conviction, be fined not less than twenty-five nor more than one hundred dollars.

ARTICLE 297. The Recorder, or City Attorney, may subpoena persons and compel their attendance as witnesses to testify as to violations of any of the provisions of this chapter. Any person so summoned and examined shall not be liable to prosecution for any violation of said chapter about which he may testify, and for any offense enumerated or defined in this chapter, a conviction may be had upon the unsupported evidence of an accomplice or participant.

TITLE XVI.

GAS AND LIGHTING.

CHAPTER I.

GENERATING.

ARTICLE 298. The lighting and illumination of the city shall be done in such manner and on such terms and conditions as the City Council may, by ordinance, from time to time prescribe.

ARTICLE 299. Whenever, in the construction of any gas works, or the laying of pipe or other apparatus for any gas works, it shall be necessary to have any earth or other substance removed, or any part of any pavement, street or alley, block or lot taken up, the same shall be done by the person, firm or company constructing the same, under the supervision of the City Engineer and the Street Committee; and during such removal or taking up, any hole or excavation made therefor shall be securely fenced or protected, so as to provide against all danger to persons or animals; and as soon as completed said street, pavement or other place shall be replaced in as good condition as before removed or taken up.

ARTICLE 300. Any gas company shall have the right to enter any premises where gas is supplied by them, at reasonable times, to repair or refit any part of the apparatus therein, and the right to shut off the supply of gas from any premises where the same has not been paid for within three days after the presentation of their account therefor; and to shut off the supply of gas anywhere in the city whenever, in case of accident or fire, they may deem it necessary to prevent danger or loss to said gas works, or to consumers of gas.

ARTICLE 301. Any gas company in this city shall be required to put down pipes, and supply gas to any block in this city contiguous to any other block already furnished with gas, whenever application is made by responsible owners of property therein, who obligate themselves to take in the aggregate twenty-five lights and keep the same in general use.

ARTICLE 302. It shall not be lawful for any person or persons to injure in any manner, any pipe, stop-cock or other apparatus pertaining to any gas works in this city, or to waste or misuse any supply of gas

in any manner other than contracted for; nor shall any unauthorized person turn on or off any gas in any street lamp or other gas fixture, nor injure any lamp or lamp post, or hitch or tie any animal thereto.

ARTICLE 303. It shall not be lawful for any person or persons to injure in any manner any pipe, stop-cock, or other apparatus pertaining to any gas works in this city, or to waste or misuse any supply of gas in any manner other than contracted for; nor shall any unauthorized person turn off or on any gas in any street lamp or other gas fixture, nor injure any lamp or lamp post, or hitch or tie any animal thereto; and any person violating any of the provisions of this article shall be fined not less than five nor more than one hundred dollars.

TITLE XVII.

HACKS AND OTHER VEHICLES.

CHAPTER I.

PUBLIC FOR HIRE REGULATED.

ARTICLE 304. It shall not be lawful for any person, firm or association of persons to keep, run or use, or to be in any manner, directly or indirectly interested in keeping, running or using any hack, carriage, coach, cab, omnibus, wagon, cart, dray or other vehicle of any name whatever, for the transportation of persons or goods, wares, water and merchandise or other property for hire, within the city of Austin, without first obtaining a license therefor. And any person, firm or association of persons violating any of the provisions of this article shall be deemed guilty of a misdemeanor, and each and every day such person, firm or association of persons continues to act in violation of this section shall constitute a separate offense.

ARTICLE 305. Every owner or driver of any vehicle licensed as provided for in the preceding article shall at the time of obtaining said license, be furnished by the city with a special number license plate, and such number shall be expressed on his license. For vehicles kept for transportation of persons said plate shall be of an elliptical shape; for other vehicles drawn by one animal, of an octagon shape; when drawn by two animals, of a rectangular shape; when drawn by more than two animals, of a round shape; and said plate shall be fixed by the owner upon some conspicuous part of the vehicle, where it can be seen at all times.

ARTICLE 306. It shall not be lawful for any person to fix or paint, or cause to be fixed or painted, or otherwise exhibited upon any vehicle, any number other than the one furnished by the City Assessor, or any false number, when his vehicle is not properly licensed; and whenever the number shall have become erased, defaced or so dimmed by time or other cause as that it can not be easily read, the owner or driver of said vehicle shall have such number immediately reinstated, by application to the City Assessor.

ARTICLE 307. The rates of fare allowed to be charged by the owner or driver of any licensed vehicle kept, used or let for the conveyance of passengers or other persons shall be as follows:

First.—For the conveyance of any person between any two points west of East Avenue or of a prolongation thereof in its northern course to the northern limits of the city, and east of West Avenue or a prolongation thereof in its northerly course and north of the southern limits of the city between the hours of six o'clock a. m. and eleven o'clock p. m., fifty cents, and between the hours of eleven o'clock p. m. and six o'clock a. m. one dollar.

Second.—Between points beyond the limits above named, from 6 a. m. to 9 p. m., seventy-five cents (75 cents), and from 9 p. m. to 6. a. m., one dollar and fifty cents (\$1.50).

Third.—Where such vehicles are used by the hour between the hours of 6 a. m. and 9 p. m., one dollar and fifty cents (\$1.50) per hour, and between the hours of 9 p. m. and 6. a. m., two dollars and fifty cents (\$2.50) per hour.

ARTICLE 308. Owners and drivers of any vehicle used for the transportation of property within this city shall be entitled to receive such reasonable compensation as may be agreed upon by the parties.

ARTICLE 309. It shall not be lawful for any owner or driver of any licensed vehicle to ask, receive or extort from any person any amount in excess of the rates of fare allowed in the preceding article, or to refuse, when called upon and otherwise unemployed, to transport any person or persons at said rates; but in no instance shall any charge be made for children under ten years of age, unless there be more than two, nor for ordinary traveling baggage not exceeding twenty-five pounds in weight.

ARTICLE 310. It shall not be lawful for any owner, driver or person in charge of any vehicle whatever, whether licensed or not, to stop or place such vehicle within ten feet of any other vehicle, or within ten feet of the curbstones, unless while actually engaged in receiving or discharging passengers.

ARTICLE 311. It shall not be lawful for any owner, driver or person in charge of any vehicle whatever, whether licensed or not, to stop or place such vehicle at or near the intersection of any street, lane, alley or other passway, or on the crossings of the same, in such manner as to interrupt or obstruct free passage therefrom or thereon, or immediately in front of the entrance to any business house.

ARTICLE 312. It shall not be lawful for any owner, driver or person in charge of any vehicle whatever in this city, whether licensed or not, to leave the same, unless the team attached thereto be securely tied, so as to leave no danger of escape; nor for any person to leave any animal in this city, whether attached to a vehicle or not, without the same being securely tied.

ARTICLE 313. It shall not be lawful for any owner, driver or person

in charge of any vehicle whatever in this city, while waiting employment or being employed, to snap or flourish his whip unnecessarily, so as to cause inconvenience to another, or to use loud, indecent or profane language, or to vex or annoy travelers or citizens.

ARTICLE 314. All owners, drivers or persons in charge of vehicles shall observe all regulations adopted by any railroad company, person or association for the preservation of good order at any railroad depot or other public place, not inconsistent with the ordinances of this city.

ARTICLE 315. It shall be the duty of every owner, driver or person in charge of any vehicle whatever, or any person on horseback in this city, when meeting any vehicle or procession or person on horseback to take the right side of the street, alley, lane or road, until they shall have passed each other; and if at any time a collision or other accident shall occur, it shall be the duty of each party to stop and render such assistance as may be necessary, and to give his name, number of his vehicle, and such other information relative thereto as may be demanded of him or them.

ARTICLE 316. Any person, firm or association of persons violating any of the preceding articles, from Article 304 to Article 315, inclusive, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine of not less than five nor more than one hundred dollars for each and every offense, and in addition thereto the court or jury trying the same may forfeit the license of the person so offending.

ARTICLE 317. Whoever in this city shall drive, or cause to be driven, any vehicle used for the transportation of passengers, or other persons, without having the rates of fare allowed by the City Council and the name of the owner plainly in view on the inside of said vehicle, or shall ask, receive or extort any fare in excess of said rates, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine of not less than five nor more than one hundred dollars for each and every offense.

TITLE XVIII.

MALICIOUS MISCHIEF.

CHAPTER I.

OFFENSES CONSTITUTING, AND PUNISHMENT.

ARTICLE 318. Whoever in this city shall throw or cast any stone or other missile upon, against, or at any person, or at any property not belonging to him, her or them; or shall throw any bullet, stone or other missile, from any rubber shooter or other contrivance of like kind; or shall cut, hack or deface, remove or otherwise injure any building, fence, railing, awning, awning post, telegraph wire or post, shade tree, ornament, monument, bulletin board, sign, show frame, fruit stand, platform, bridge, footbridge, or other thing not belonging to or under the control of him, her or them, or shall cut, hack or remove, or otherwise injure any ornamental or other tree, shrub or plant, belonging in any public ground, park, square, street, cemetery, or other public place; or shall deface, remove, or otherwise interfere with the names of streets, numbers of houses, or street lamps, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine of not less than five nor more than one hundred dollars.

ARTICLE 319. Whoever shall, in this city, hang or expose in effigy the image of any person whatever, with the intent to degrade, injure or provoke such person, or shall aid or abet any other person or persons so offending, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine of not less than five nor more than one hundred dollars.

ARTICLE 320. It shall not be lawful for any person or persons to injure in any manner any well, water-plug or fountain, or any part thereof, or to throw or place therein any article whatever.

ARTICLE 321. Any person or persons violating any of the provisions of the preceding article shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine of not less than five nor more than one hundred dollars.

ARTICLE 322. Whoever in this city shall interfere with any public well, cistern, water-plug, fountain or reservoir, or shall bathe in any public reservoir, or shall in any manner deface or injure the same, or shall take or use water from the same without proper authority, shall

be deemed guilty of a misdemeanor, and on conviction shall be punished by fine of not less than five nor more than one hundred dollars.

ARTICLE 323. Whoever shall in this city mischievously or maliciously ring any door bell or bell pull, or use any door knocker, or shall break or deface the same, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine of not less than five nor more than one hundred dollars.

ARTICLE 324. Whoever in this city shall post, paint, or otherwise exhibit, on any building, fence, bulletin board, or other property not belonging to or controlled by him, her or them, or without the permission of the person owning or controlling the same, any advertisement, poster, bill, or other notice or signs; or shall tear down, remove, or otherwise interfere with any such notice, sign, advertisement, bill or poster put up by another, unless the same be put up on his, her or their property, without permission previously given, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine of not less than five nor more than one hundred dollars.

TITLE XIX.

MISDEMEANORS.

CHAPTER I.

DEFINITION AND PUNISHMENT.

ARTICLE 325. Every act or omission in violation of any ordinance of the City of Austin, now in force or hereafter to be passed, which is declared to be a misdemeanor by any ordinance now in force or hereafter to be passed, shall be held and deemed to be a misdemeanor.

ARTICLE 326. Every willful violation of any ordinance of the City of Austin, now in force or hereafter to be passed, shall be held and deemed to be a misdemeanor, notwithstanding there be no words in such ordinance expressly declaring the same to be a misdemeanor.

ARTICLE 327. Every person convicted in the Corporation Court of any misdemeanor under the ordinances of the City of Austin, where no specific punishment is declared in such ordinance, shall be punished by fine of no less than five nor more than one hundred dollars, and in addition thereto may be imprisoned in the city prison not exceeding fifteen days for each and every offense.

ARTICLE 328. Whenever, on the trial of any misdemeanor, it shall appear that the person accused has been convicted of the same or a similar offense within twelve months preceding the trial thereof, the person accused may be sentenced to double the punishment inflicted on the trial of the first offense. And on the third conviction for the same offense, the person convicted may be adjudged to suffer the highest fine and longest term of imprisonment imposed by ordinance.

TITLE XX.

MONEY AND FUNDS AND BONDS AND WARRANTS OF THE CITY.

CHAPTER I.

MONEY AND FUNDS.

ARTICLE 329. Any money due and to become due to the City of Austin upon notes, bonds, bills, judgments, or otherwise, shall be paid over to the City Assessor and Collector by the court, Sheriff or officer collecting the same, or by the persons or corporation owing or liable for the same; and no person except the Assessor and Collector shall be authorized to receive or receipt for the same.

ARTICLE 330. Neither the money for which bonds may be sold, nor the money raised to pay the interest and sinking fund thereof, shall be diverted to any other purpose, and the City Treasurer shall not honor any draft drawn on said interest and sinking fund except to pay the interest on the bonds or to redeem the same, except as hereinafter provided.

ARTICLE 331. The Mayor and Finance Committee of the City Council be and are hereby authorized and directed to invest all moneys now in the City Treasury to the credit of the sinking fund of the Water and Light System, and all moneys that may hereafter be placed to the credit of said fund in interest-bearing bonds of the United States, of the State of Texas, or of the City of Austin; provided, that the power herein conferred shall not be exercised except on the approval of the City Council.

ARTICLE 332. Whenever the accumulated sinking fund upon any issue of bonds shall amount to as much as one thousand dollars, the same shall be applied at once to the discharge of a like amount of said bonds, and should the city not be entitled to redeem any of such series, and the holders be unwilling to surrender the same, said fund shall be invested in other valid interest-bearing bonds of the City of Austin, or of the United States, or of the State of Texas, as the Council may determine, and when so invested the bonds purchased and the interest thereon shall be held as a trust for the particular fund from which the money was taken, and shall not be sold or otherwise used except for the purpose of retiring the original bonds for whose use the fund was created, but all moneys collected on account of the sinking fund shall be annually applied exclusively to the redemption and retirement of the

refunding bonds. If refunding bonds can not be purchased in the market at or below par, then such sinking fund shall be used to retire such refunding bonds by drawing the same by lot under regulations to be prescribed by the City Council.

ARTICLE 333. The City Council shall cause to be published within a month after the end of each fiscal year a full, complete and detailed statement of all moneys received and expended, classifying each receipt and expenditure under its proper head.

CHAPTER II.

BONDS.

ARTICLE 334. The city may raise money on the credit of the city for a special and definite purpose, by issuing bonds of the city or otherwise; provided, the bonded debt of the city shall only be increased by a special act of the Legislature or by consent of two-thirds of the qualified voters in said city who pay taxes on property, real or personal in said city. All persons owning property, real or personal, subject to taxation in the said city on the first day of January next preceding any election that may be held to obtain such consent shall be deemed to be persons who pay taxes on property in said city. Such election shall be ordered by the City Council, and notice thereof shall be given for at least thirty days by the Mayor, in such manner as may be prescribed by the City Council; provided, that lands within the limits of the city which have not been laid off into blocks and lots shall not be assessed for taxes otherwise than by the acre, and shall continue to be so assessed and taxed until laid off into lots and blocks by the owners thereof.

ARTICLE 335. (1) The bonded indebtedness of the City of Austin shall never exceed at any time one hundred and twenty-five thousand dollars, unless the excess be provided for in the manner prescribed by the charter.

(2) All bonds issued by the City of Austin shall be signed by the Mayor and countersigned by the City Clerk. The manner and object of their issue, as well as their redemption, shall be prescribed by ordinance, subject to the restrictions imposed by the charter.

(3) If in any case new bonds are given in exchange for old, such old bonds shall be held by the City Clerk, properly canceled by the Mayor, as vouchers for the issue of the new bonds which are to replace them, and the manner of cancellation of the old bonds shall be prescribed by the ordinance authorizing the issue of the new.

ARTICLE 336. All bonds shall specify for what purpose they are issued, and provision shall be made to pay the interest and the sinking

fund of two per centum annually of the principal to redeem or pay the bonds.

ARTICLE 337. The said City Council shall have power and authority to fund, refund, compromise, adjust, scale or settle all or any part of the bonded indebtedness of said city, and for that purpose shall have the power and it is hereby specially authorized without any election to obtain the consent of the qualified voters in said city who pay taxes on property therein to forthwith issue refunding bonds, such bonds to be entitled "Refunding Bonds of the City of Austin, Texas," and all such refunding bonds shall be dated July 1, 1901, and shall be payable July 1, 1931; redeemable, however, at the option of the city; on any interest payment date at par and accrued interest to date of redemption. Said bonds shall bear interest at the rate of three per centum (3%) per annum for the period of five (5) years from July 1, 1901, that is, to July 1, 1906; thereafter said bonds shall bear interest at the rate of four per centum (4%) per annum for a period of ten (10) years, that is, to July 1, 1916, and thereafter until the maturity of said bonds they shall draw interest at the rate of five per centum (5%) per annum. Said interest shall be payable semi-annually on the first days of January and July of each and every year, and both principal and interest of said bonds shall be payable at the option of the holder, in either the City of New York or the City of Austin, and may be made payable in gold coin of the United States of America of or equivalent to the present standard of weight and fineness. In form said bonds may be either registered bonds or negotiable coupon bonds, with or without the privilege of registration as to both principal and interest, or part may be registered bonds and part negotiable coupon bonds; and for the purpose of registering the principal and interest of the negotiable coupon bonds the Treasurer of the city is hereby authorized and directed to register such principal and interest, or both, under such rules and regulations as may be provided by the City Council; after which registration the principal or interest, as the case may be, or both, shall be payable only to the registered holder. Said bonds may be of such denomination or denominations as the City Council may determine. Said bonds may be authorized at any regular or special meeting of the City Council by a majority vote of all the members of the City Council, and the ordinance authorizing said bonds may be introduced and finally passed at the same meeting. A certified copy of the ordinance of said city providing for the issuance of said refunding bonds and of the ordinances levying a tax to pay the interest upon and provide a sinking fund for the redemption of said bonds, together with the said bonds duly executed by the Mayor and Clerk of said city, shall be submitted to the Attorney General, whose duty it shall be to examine the same, and if

he finds that said bonds have been issued in accordance with the provisions of this act and not in contravention of the Constitution of this State, the Attorney General shall officially so certify to the Comptroller, and such certificate shall be preserved by the Comptroller as a record of his department and for use as evidence. The Comptroller shall then register said bonds in the book kept for the purpose of registering bonds issued under the provisions of Chapter 64 of the General Laws passed in 1893, and shall affix to each of said bonds his certificate under his official seal to the effect that the same have been duly registered in his department. Said refunding bonds shall then be delivered to the Treasurer of the said City of Austin, upon the order of the Mayor of said city, and the Mayor and Treasurer of said city, acting jointly, are hereby constituted the agents of said city to thereafter issue and dispose of said bonds under the provisions of this act. Said refunding bonds shall be exchangeable from time to time for the outstanding bonds of the City of Austin, adjustment of accrued interest as between the refunding bonds and the bonds for which they are exchanged to be made in cash, and at the time of exchange all overdue coupons on the refunding bonds shall be detached and canceled. In making the exchange herein provided for the face value or principal amount of the outstanding city bonds received on such exchange shall be at least equal to the face value or principal amount of the refunding bonds issued on such exchange. The City Council and the Attorney General of the State are expressly authorized to provide that such exchange may take place in the City of New York, or such other place as may be most convenient for effecting such exchange. The said refunding bonds may be sold and the proceeds thereof used to take up the outstanding bonds of the City of Austin; provided, that such refunding bonds shall not be sold for less than the sum for which an equal amount in par value of the outstanding bonds can be purchased, nor shall any sale or delivery of such refunding bonds take place until a contract has been entered into for the purchase of at least an equal amount in par value of the outstanding bonds. The bonds of said city now outstanding, when exchanged or taken up by said city under the provisions hereof, shall be, by said Mayor and Treasurer, immediately canceled by mutilating the signatures thereto, and a report of the numbers and series thereof shall be made by the Mayor and Treasurer at the next meeting of the City Council, and the said bonds so canceled shall be then destroyed in the presence of the City Council and a minute thereof be made upon its record. The ordinance or ordinances providing for the issuance of said refunding bonds shall make provision for the annual assessment and collection of a tax sufficient to pay the interest thereon and to create an annual sinking fund of two per centum (2%) of the principal

thereof, and nothing herein or in any other statute of this State shall make it incumbent upon the City Council to provide for a sinking fund of more than two per centum (2%) per annum of the principal of such refunding bonds as may be issued under such ordinance or ordinances. For the payment of interest and the creation of such sinking fund the City Council of the City of Austin is authorized to levy a tax of one and sixteen and two-thirds hundredths (1.1666) per centum, or so much thereof as may be necessary for said purpose, and while any of said refunding bonds are outstanding the power to levy said tax shall not be decreased, impaired or curtailed. The right of the City of Austin to levy said tax shall enter into and become part of the contract in the issuance of said bonds; such tax to be levied when and as other taxes of the city are levied, and in the event of the failure of the City Council to levy such tax, either of the district courts in and for Travis County, or the United States Circuit Court, or a judge of the United States Circuit Court for the circuit in which is located the City of Austin, is authorized to make and grant on the application of any holder of any said refunding bonds a mandamus to compel such levy, and such mandamus may be granted without judgment being first had on account of such bonds. If at any time, for any reason whatsoever, the maximum tax possible of collection shall not be sufficient to pay the interest and also provide for the sinking fund, then and in that event the taxes collected shall first be appropriated and used to pay all accrued interest or interest to accrue during the year for which such tax levy is made in full before any part thereof shall be appropriated for the sinking fund. In case any suit or suits shall at any time be instituted against the City of Austin to enforce the payment of the principal or interest of said refunding bonds, or to compel the levy and collection of the taxes herein prescribed, no defense, either in law or in equity, shall be admitted in any of the courts of this State, except such as originated upon or subsequent to the issuance of such refunding bonds. Any public institution in the State of Texas or any sinking fund commission holding any of the bonds of the City of Austin are hereby authorized and directed to exchange such bonds for refunding bonds which may be authorized pursuant to this act. The payment of the principal or interest of any bonds which may be issued by the City of Austin after the due authorization of the refunding bonds provided for herein shall be subject to the payment in full of the principal and interest and the creation of the sinking fund of two per centum (2%) per annum of all such refunding bonds issued under such authorization, or which may be thereafter issued under such authorization, before any part of the tax collected by the said city shall be applied to such other bonds of the city. While any of said refunding bonds shall be outstanding

the City of Austin shall not sell, lease, rent, or otherwise part with the possession of its water, light and power properties, and all moneys, net income, derived from the operation of such plants shall be paid into and become a part of the sinking fund for the redemption of such refunding bonds, and shall be applied in the same manner as the sinking fund derived from the collection of taxes; subject, however, to the pledge of such net income contained in the bonds of the City of Austin known as the "Waterworks and Electric Light Bonds of 1890," and in the ordinance authorizing them, while any of such bonds shall remain outstanding; provided, however, that nothing in the charter of the city, or in these amendments thereto, shall be so construed as to prohibit the city from selling disused property formerly purchased and used by it in the operation of its water power plant situated at and near the dam of the city across the Colorado River, and the right to sell such disused property as may not be necessary for the present operation of its steam water, light and power plant is hereby expressly conferred upon the said city, to be exercised whenever the same shall be by it deemed expedient and desirable, but nothing herein contained shall be so construed as to make it the duty of the city to sell any of said material or property until such sale shall by it be deemed expedient and desirable, and all of said material and property shall be deemed to be held for public use until so sold, and shall never be subject to execution sale or other forced sale at the instance of any creditor or creditors of the city. While any of said refunding bonds shall be outstanding the corporate limits of the City of Austin as at present defined shall not be decreased or lessened for taxing purposes or otherwise.

CHAPTER IIa.

REFUNDING BONDS.

An Ordinance to provide for the issuance of refunding bonds of the City of Austin for the purpose of refunding its bonded debt, and to provide for the assessment and collection of a tax sufficient to pay the interest thereon, and to create an annual sinking fund of two per centum (2%) of the principal thereof.

Be it ordained by the City Council of the City of Austin:

ARTICLE 338. That, in accordance with the city charter of the City of Austin, as amended by an Act of the Legislature of the State of Texas, approved September 21, 1901, entitled "An Act to amend Sections 33, 34, 36, 37 and 63 of an act entitled 'An Act to incorporate the City of Austin, grant it a new charter and fix its boundaries,' approved April 13, 1901, so as to provide for the refunding of its bonded

debt, to further define its powers and duties relative to its bonded indebtedness, to define the powers of said city with reference to streets and highways within its corporate limits, and to authorize said city to pledge not exceeding one-fourth ($\frac{1}{4}$) of its general revenue for the payment and security of judgments and claims herein specified," the City Clerk, under the direction of the Mayor, is hereby directed to forthwith cause to be prepared refunding bonds of the City of Austin, in substantially the following form:

No.....

\$.....

STATE OF TEXAS.

REFUNDING BOND OF THE CITY OF AUSTIN.

The City of Austin, for value received, hereby promises to pay to bearer (or, if the principal of this bond is registered, then to such registered holder).....Dollars (\$.....) in gold coin of the United States of America of or equivalent to the present standard of weight and fineness, on the first day of July, 1931, together with interest thereon at the rate of three per centum (3%) per annum up to and including July 1, 1906, and thereafter at the rate of four per centum (4%) per annum up to and including July 1, 1916, and thereafter at the rate of five per centum (5%) per annum until the maturity or redemption hereof; said interest being payable in like gold coin semi-annually on the first days of January and July of each year upon presentation and surrender of the annexed coupons as they severally become due (or, if the interest to accrue on this bond be registered, then to such registered holder); both principal and interest being payable at the office of the Treasurer of the City of Austin or at the National City Bank in the City of New York, at the option of the party entitled thereto.

This bond is one of a series of bonds issued by the City of Austin for the purpose of refunding its outstanding bonded indebtedness, by virtue of and in accordance and full conformity with the charter of the City of Austin as amended by an act of the Legislature of the State of Texas, approved the 21st day of September, 1901, and entitled "An Act to amend Sections 33, 34, 36, 37 and 63 of an Act entitled 'An Act to incorporate the City of Austin, grant it a new charter, and fix its boundaries,' approved April 13, 1901, so as to provide for the refunding of its bonded debt, to further define its powers and duties relative to its bonded indebtedness, etc.," and with an ordinance of said City of Austin, entitled "An Ordinance to provide for the issuance of refunding bonds of the City of Austin for the purpose of refunding its bonded debt, and to provide for the assessment and collection of a tax sufficient to pay the interest thereon, and to create an annual sinking fund of two

per centum (2%) of the principal thereof," approved on the...day of November, 1901, said ordinance, among other things, assessing and levying a tax of one and sixteen and two-thirds hundredths per cent ($1.16\frac{2}{3}\%$), or so much thereof as may be necessary, for the payment of the interest on said bonds and the creation of a sinking fund, as provided by the Constitution and laws of Texas, and the charter of the City of Austin, and pledging, as therein provided, the entire net income to be derived by the City of Austin from the operation of its water, light and power properties as and for a sinking fund for the redemption of said bonds, said levy and assessment and pledge of net revenue from said water, light and power properties entering into and becoming a part of the contract in the issuance of said bonds; and, while any of said bonds shall be outstanding and unpaid, the rights thereunder shall not be decreased, impaired or curtailed. The City of Austin hereby reserves the right to redeem any and all of said bonds, on any interest payment date, at par and accrued interest to date of redemption, such redemption to be effected by purchase in the open market or the drawing of bonds for redemption by lot, such drawing to be made under authority and direction of the City Council; and a notice containing the numbers of said bonds drawn for redemption shall be published once a week for four consecutive weeks prior to the date fixed for such redemption in one newspaper published in the City of New York and in one newspaper published in the City of Austin. Bonds so drawn for redemption, and notice thereof having been duly given, shall thereafter cease to bear interest.

This bond shall pass by delivery unless registered in the name of the owner on books kept for that purpose by the Treasurer of the City of Austin, and such registration be noted on the bond. After such registration no transfers shall be valid, unless made on the books by the registered owner in person, or by his attorney thereunto duly authorized, and similarly noted on the bond, but the same may be discharged from registration by being transferred to bearer, and thereupon transferability by delivery shall be restored; but this bond may again from time to time be registered or transferred to bearer as before. Such registration shall not affect the negotiability of the coupons, which shall continue to be transferable by delivery. The coupons, however, may be detached and canceled at time of the registry of the principal of the bond and such cancellation noted on the back of the bond, after which transferability of this bond by delivery can not be restored, and thereafter both the principal and interest shall be payable only to the registered owner or his legal representatives.

The City of Austin, in issuing this bond, hereby recites, certifies and declares that each, every and all of those matters and things conditioned

and precedent to the legal issue of this bond have happened and been performed and that this bond constitutes the valid, binding and legal obligation of the City of Austin.

In witness whereof, the City of Austin has caused this bond to be signed by the Mayor of said City, and by the City Clerk of said City, and attested with the seal of said City of Austin, this first day of July, nineteen hundred and one (1901), at the City Hall of said city.

[Corporate Seal of the	Mayor.
City of Austin.]	City Clerk.

(Form of Coupon.)

On the first day of January, 1902, the City of Austin, for value received, promises to pay to bearer, at the office of the Treasurer of the City of Austin, or at the National City Bank, in the City of New York, as the holder may desire,Dollars (\$.....) in gold coin of the United States of America of or equivalent to the present standard of weight and fineness, being for six (6) months' interest on its refunding bond No.....

.....Mayor.

(Certificate of Comptroller of Public Accounts of the State of Texas.)

I,Comptroller of Public Accounts of the State of Texas, do hereby certify that there is on file and of record in my office a certificate of the Attorney General of the State of Texas to the effect that the within bond has been examined by him as required by Chapter 64 of the Acts of the Legislature of the State of Texas of 1893, and by the Act of the Legislature of the State of Texas, approved 21st day of September 1901, entitled "An Act to amend Sections 33, 34, 36, 37 and 63 of an Act entitled 'An Act to incorporate the City of Austin, grant it a new charter, and fix its boundaries,' approved April 13, 1901, so as to provide for the refunding of its bonded debt, to further define its powers and duties relative to its bonded indebtedness, etc.," and that he finds that this bond has been issued in conformity with the Constitution and laws of the State of Texas, and the charter of the City of Austin, Texas; and that said bond has this day been registered upon the books of my office.

Witness my hand and seal of office, this.....day of....., A. D. 1901.

.....
Comptroller of Public Accounts of the State of Texas.

ARTICLE 339. Said bonds to be in denominations of one thousand dollars (\$1000) each, or of five hundred dollars (\$500) each, or in

part of one denomination and in part of the other, and to be of an aggregate par value on principal amount not to exceed the par value or principal amount of the present outstanding bonded indebtedness of the City of Austin, said bonds to be numbered from one (1) upwards.

ARTICLE 340. Said bonds shall bear date as of the first day of July, 1901, and shall all be payable July 1, 1931, redeemable, however, at the option of the city on any interest payment date at par and accrued interest to date of redemption, in the manner and as provided by Section 15 of this ordinance.

ARTICLE 341. Said bonds shall bear interest at the rate of three per centum (3%) per annum from July 1, 1901, to and including July 1, 1906, and at the rate of four per centum (4%) per annum from July 1, 1906, to and including July 1, 1916, and at the rate of five per centum (5%) per annum from July 1, 1916, to and including the maturity or redemption of said bonds, said interest to be payable semi-annually on the first days of January and July of each and every year, both principal and interest being payable at the option of the party entitled thereto in either the City of Austin or the City of New York, in gold coin of the United States of America of or equivalent to the present standard of weight and fineness.

ARTICLE 342. Said bonds shall be negotiable coupon bonds with privilege of registration as to both principal and interest, and shall pass by delivery unless registered in the name of the owner upon books to be kept for that purpose by the Treasurer of the City of Austin, and such registration be noted on the bond. After such registration no transfer shall be valid unless made on said books by the registered owner in person, or by his attorney thereunto duly authorized and similarly noted on the bond; but the same may be discharged from registration by being transferred to bearer, and thereupon transferability by delivery shall be restored, but said bonds may again, from time to time, be registered or transferred to bearer as before. Such registration shall not effect the negotiability of the coupons, but shall continue to be transferable by delivery. The coupons, however, may be detached and canceled at the time of the registry of the principal bond, and such cancellation noted on the back of the bond, after which transferability of the bonds by delivery can not be restored, and thereafter both the principal and interest shall be payable only to the registered owner or his legal representatives; the Treasurer of the City of Austin being hereby expressly authorized and directed, at the request of the owner of any of said bonds, to register said bonds, as hereinabove provided, and to keep in his office a book for that purpose to be entitled "Register of the Refunding Bonds of the City of Austin."

ARTICLE 343. The Mayor and Clerk of said city are hereby ex-

pressly authorized and directed, on behalf of said city, to execute said bonds, or as many thereof as may required, for the refunding of the present outstanding bonded indebtedness of the City of Austin. In case the officers who shall have signed and sealed any of said bonds shall cease to be such officers of the City of Austin before the bonds so signed and sealed shall have been actually issued by the city, such bonds may, nevertheless, be adopted by the city and issued and delivered as though the persons who signed and sealed them had not ceased to be officers of said city. The coupons attached to said bonds shall be authenticated by the engraved fac simile signature of the present Mayor, or any future Mayor of the City of Austin, and said city may adopt and use for that purpose the engraved fac simile signature of such Mayor, notwithstanding the fact that he may have ceased to be said Mayor at the time such bonds shall be actually issued.

ARTICLE 344. Said bonds having been duly executed on behalf of the city, shall, together with a copy of this ordinance and such other data as may be required, be submitted to the Attorney General of the State for his approval, pursuant to Chapter 64 of the Acts of the Legislature of the State of Texas of 1893, and the Act of the Legislature of the State of Texas approved September 21, 1901, entitled "An Act to amend Sections 33, 34, 36, 37 and 63 of an Act entitled 'An Act to incorporate the City of Austin, grant it a new charter and fix its boundaries,' approved April 13, 1901, so as to provide for the refunding of its bonded debt, to further define its powers and duties relative to its bonded indebtedness, to define the powers of said city with reference to streets and highways within its corporate limits, and to authorize said city to pledge not exceeding one-fourth ($\frac{1}{4}$) of its general revenue for the payment and security of judgments and claims herein specified."

ARTICLE 345. Such of said bonds as the Attorney General shall find to have been issued in conformity with the Constitution and laws of the State of Texas and the charter of the City of Austin, and to constitute valid and binding obligations of the City of Austin, shall be delivered to the Comptroller of Public Accounts of the State of Texas for the purpose of having the same registered upon the books kept for that purpose in his office, and for the purpose of having the Comptroller affix his certificate on said bonds, certifying that the Attorney General of the State of Texas has approved the same and that said bonds have been duly registered in his office.

ARTICLE 346. Said refunding bonds having been so approved by the Attorney General and registered by the Comptroller of Public Accounts, shall be exchangeable from time to time by the Mayor and Treasurer of the City of Austin, acting jointly, for the bonds of the City of Austin at present outstanding, the outstanding bonds of the City of

Austin received on such exchange to be at least equal face value on principal amount to the face value or principal amount of the refunding bonds issued on such exchange. Adjustment of accrued interest as between the refunding bonds and the bonds for which they are exchanged to be made in cash; provided, however, that in the adjustment of accrued interest, as aforesaid, payment of interest due on such outstanding bonds as may be presented for exchange shall be at the rate therein called for up to and including July 1, 1901, and thereafter at the rate provided for in said refunding bonds.

ARTICLE 347. The exchange of bonds herein provided for may take place at the office of the City Treasurer, or the office of the Attorney General, or the office of the Comptroller of Public Accounts, or the office of the New York Security and Trust Company in the City of New York.

ARTICLE 348. Said refunding bonds or any part thereof may be sold by the Mayor and Treasurer of the city, acting jointly, at public or private sale, and the proceeds thereof used to take up the bonds of the City of Austin at present outstanding; provided, however, that such refunding bonds shall not be sold for a less sum than the amount for which an equal amount in par value or principal amount of the outstanding bonds can be purchased, nor shall any sale or delivery of said refunding bonds take place until a valid contract has been entered into for such purchase of at least an equal amount in par value of the outstanding bonds. The proceeds of any such sale of said refunding bonds shall be paid to the City Treasurer, who shall keep a true and faithful account of the same separate from all other city funds and accounts, the same to be used for no other purpose than for the purpose of taking up and redeeming the present outstanding bonds of the city, as herein provided.

ARTICLE 349. The bonds of said city now outstanding, when received by the Mayor and Treasurer in exchange for the bonds to be issued under this ordinance shall be, by said Mayor and Treasurer, immediately canceled by mutilating the signatures thereto, and a report of the numbers and series thereof shall be made by the Mayor and Treasurer at the next meeting of the City Council and the said bonds so canceled shall be then destroyed in the presence of the City Council, and a minute thereof made upon its records.

ARTICLE 350. In order to provide for the payment of the interest on said bonds and to create an annual sinking fund of two per centum (2%) of the principal thereof, there shall be and there hereby is levied for the year 1901, and for each succeeding year hereafter as long as any of said refunding bonds shall be outstanding upon all property in the City of Austin, an ad valorem tax of one and sixteen and two-thirds hundredths per centum (1.16 $\frac{2}{3}$ %), or so much thereof as may be necessary to

Net Income.

pay the interest on the bonds which may be issued hereunder, and to create an annual sinking fund of two per centum (2%) per annum of the principal thereof, the collection of which tax shall be provided for in the same manner and at the same time as may be provided for by the ordinances regulating taxation for other purposes in the City of Austin.

ARTICLE 351. All money collected on account of the taxes levied under the provisions of this or any subsequent ordinance of the City of Austin for the payment of the interest on said bonds and the creation of a sinking fund therefor shall, after providing for the payment in full of all interest due or to become due, be annually applied, exclusively, to the redemption and retirement of the said refund bonds.

ARTICLE 352. The redemption of said bonds may be effected by purchasing said bonds in the open market at or below par and accrued interest in sufficient number and amount to use up such sinking fund, then the balance of such moneys as shall remain in such sinking fund shall be used to redeem and retire such bonds by drawing a sufficient number thereof by lot, such drawing to be made by the Mayor of the City of Austin at a regular or called meeting of the City Council, which drawing shall take place at least thirty days before the interest payment date fixed for the redemption of such bonds, and notice of such drawing, giving numbers of the bonds drawn for redemption, shall be published in one newspaper published in the City of Austin, Texas, and one newspaper published in the City of New York, once a week for four (4) consecutive weeks prior to the date fixed for such redemption. Bonds so drawn for redemption, such notice having been duly and regularly given, shall, on the date fixed for their redemption, be due and payable and shall thereafter cease to bear interest.

ARTICLE 353. While any of said refunding bonds shall be outstanding the City of Austin shall not sell, lease, rent or otherwise part with the possession of its water, light and power properties, and all moneys, not income derived from the operation of such plants, shall be paid into and become a part of the sinking fund for the redemption of such refunding bonds, and shall be applied in the same manner as the sinking fund derived from the collection of taxes; subject, however, to the pledge of such net income contained in the bonds of the City of Austin known as the Water Works and Electric Light Bonds of 1890, and in the ordinance authorizing them, while any of such bonds remain outstanding. Provided, however, that nothing in the charter of the city, or in the amendments thereto, shall be so construed as to prohibit the city from selling disused property formerly purchased and used by it in the operation of its water power plant situated at and near the dam of the city across the Colorado River, and the right to sell such disused property as may not be necessary for the present operation of its steam, water, light and

(7)

power plant, is hereby expressly conferred upon the said city, to be exercised whenever same shall be by it deemed expedient and desirable, but nothing herein contained shall be so construed as to make it the duty of the city to sell any of said material or property until such sale shall by it be deemed expedient and desirable; and all of said material and property shall be deemed to be held for public use until so sold, and shall never be subject to execution sale or other forced sale at the instance of any creditor of the city.

ARTICLE 354. While any of said refunding bonds shall be outstanding the corporate limits of the City of Austin as at present defined shall not be decreased or lessened for taxing purposes or otherwise.

ARTICLE 355. This ordinance shall take effect and be in force from and after its passage.

Passed November 4, 1901; approved November 5, 1901.

CHAPTER IIb.

REFUNDING BONDS.

ARTICLE 356. An ordinance to provide for refunding certain outstanding bonds of the City of Austin.

Whereas, The City Council of the City of Austin did, by an ordinance passed the 4th day of November, A. D. 1901 and entitled: "An ordinance to provide for the issuance of refunding bonds of the City of Austin for the purpose of refunding its bonded debt and to provide for the assessment and collection of a tax sufficient to pay the interest thereon and to create an annual sinking fund of 2 per cent per annum of the principal thereof," provide for the refunding of the bonded indebtedness of the city; and,

Whereas, Some doubt has arisen as to whether or not said ordinance should be construed as authorizing and directing the refunding of outstanding refunding bonds of the city of the issue of 1881, and as authorizing and requiring the refunding of the outstanding refunding bonds of the City of Austin of the issue of the year 1884; and,

Whereas, It is the desire and wish of the City Council of the City of Austin that the bonds above mentioned, as well as all other outstanding bonds of the City of Austin, should be refunded on the terms mentioned in said ordinance, except those terms of said ordinance which relate to the readjustment and settlement of overdue interest; therefore,

Be it ordained by the City Council of the City of Austin:

ARTICLE 357. That the wish and desire of the City Council as hereby expressed to refund all outstanding bonds of the City of Austin, including its 6 per cent funding bonds of the issue of 1881 and its 6 per cent

funding bonds of the issue of the year 1884, on the terms expressed in the ordinance above mentioned, except as to readjustment and settlement of overdue interest; and the Attorney General of the State of Texas is hereby requested to approve proposed refunding bonds for the purpose of refunding the outstanding bonds above mentioned.

ARTICLE 358. The Mayor and Finance Committee are hereby instructed to confer with the holders of the above mentioned bonds and to refund such of said bonds as can be refunded on the basis named in the ordinance above mentioned, except as to accrued interest prior to July 1, 1901, and on the following basis as to readjustment and payment of the overdue interest, namely: all interest accrued to date of refunding to be paid at the rate of 3 per cent per annum instead of at the rate of 6 per cent, as provided for on the face of said bonds.

ARTICLE 359. That this ordinance take effect and be in force from and after its passage.

Passed March 21, 1903; approved March 21, 1903.

CHAPTER III.

WARRANTS.

ARTICLE 360. No money shall be paid out of the city treasury except by warrants signed by the Mayor and attested by the City Clerk.

ARTICLE 361. Whenever any bills, accounts or other evidence of indebtedness against the City of Austin, which have received the approval of the proper authorities, are presented to the Mayor, he shall, if he find the same correct, approve them and cause them to be placed on file and recorded by the City Clerk; and shall thereupon issue his warrant, which shall be attested by the City Clerk upon the City Treasurer for the amount of each claim so approved; provided, however, that in no case shall any warrant be issued by the Mayor, or paid by the City Treasurer, unless an appropriation for the specific purpose of paying the same have been previously made by the City Council; and provided further, that in all cases the object for which the warrant is drawn shall be stated upon the face of the warrant. And the City Treasurer shall pay all warrants issued in accordance with the provisions of this article.

ARTICLE 362. Warrants may be issued for stated salaries or for accounts ordered paid by vote of the City Council without other approval than that of the Mayor, except that the salaries of policemen shall be certified to by the City Marshal; provided, that in all cases an appropriation for the payment thereof shall have been previously specifically made by the City Council by ordinance.

ARTICLE 363. The City Treasurer is hereby directed to register the

warrants issued in the order of their presentation in a book to be kept by him for that purpose, in which shall be noted the name of the payee, the amount, date and number of the warrant, and the said Treasurer shall note on each warrant the date of its registration, with its appropriate number, and upon the payment of such registered warrant he shall note the same and the date of its payment, in the proper column opposite the entry of registration, and he shall pay said warrants in the order of their registration.

ARTICLE 364. It shall not be lawful for any officer of this city to buy and sell, or deal in, or to be in any way engaged or interested in the buying, selling or dealing in city warrants, city scrip, or other evidences of indebtedness of the city whatever; and any officer guilty of a violation of this article shall be deemed guilty of a misdemeanor in office; provided, nothing in this article shall be construed to prohibit any officer from selling warrants or scrip issued to him for salary or fees.

ARTICLE 365. It shall not be lawful for the Mayor to issue a warrant on the City Treasurer otherwise than as provided in Articles 361 and 362 of this chapter, and the issuance of any warrant by the Mayor in violation of any of the provisions of said articles shall constitute a high misdemeanor, for which he may be removed from office.

ARTICLE 366. All warrants issued by the Mayor on the City Treasurer in accordance with the provisions of this chapter shall be paid by said Treasurer on presentation.

TITLE XXI.

NUISANCES.

CHAPTER I.

SPITTING ON SIDEWALKS, ETC.

ARTICLE 367. The spitting upon paved sidewalks, paved cross walks, the floors of churches or other public halls or public buildings, or upon street cars, is hereby prohibited and declared to be a public nuisance, and any person convicted of a violation of any of the terms hereof shall be fined not less than five dollars nor more than twenty-five dollars.

CHAPTER II.

DRUM BEATING, ETC.

ARTICLE 368. Whoever shall disturb the peace, or prevent or disturb the sleep of others by beating a drum or drums or by blowing a horn or horns, or by making any other loud noise in a street or other public place or near any private residence shall be deemed guilty of committing a nuisance, and on conviction thereof, shall be fined in any sum not less than five nor more than one hundred dollars.

CHAPTER III.

BRUSH, ETC., ON VACANT LOTS.

ARTICLE 369. All brush and weeds covering the surface of vacant premises within the corporate limits of the City of Austin, whether fenced or unfenced, is hereby declared to be a nuisance.

ARTICLE 370. Any person, firm or corporation owning any vacant lot or lots within the corporate limits of the City of Austin covered with either brush or weeds in such a manner as to become a rendezvous for tramps, a shelter or dumping ground for garbage, unhealthy or unclean, who shall fail to clear off the said premises of such brush or weeds and make same healthy and clean within ten days after being notified by the City Marshal, any policeman or the Sanitary Inspector of the City of Austin to do so shall be fined in any sum not less than five nor more than twenty-five dollars for each offense; provided, that each day such premises remain in such condition, after receiving the ten days' notice herein provided for, shall constitute a separate offense.

TITLE XXII.

OFFICERS OF THE CITY.

CHAPTER I.

GENERALLY.

I. THE OFFICERS AND THEIR QUALIFICATION AND ELECTION.

ARTICLE 371. There shall be a Mayor of the city; a City Marshal; a City Clerk; a City Attorney; a City Assessor and Collector of Taxes; a City Treasurer; a City Physician; a City Engineer and ex-officio Street Commissioner, who shall be Superintendent of Streets; four Water, Light and Power Commissioners; fourteen Aldermen, two from each ward, one local and one at large.

ARTICLE 372. There shall be such other officers and employes of the city as the Council shall determine, and which shall be elected; appointed or selected as the Council shall provide.

ARTICLE 373. All officers of the city shall be residents and citizens of the State of Texas and the City of Austin, and shall be persons competent to perform the duties required of them, and no person shall be an officer of the city unless he shall have resided in the State of Texas twelve months and within the City of Austin four months, next preceding the election, and shall be a qualified elector of said city under the Constitution and laws of the State of Texas at the date of election, and shall, in addition, be competent to discharge the duties of the office, and shall have such special qualifications as may be specified for the several respective offices; provided, that no person who is or has been a defaulter to the State, county or city shall be eligible to any office of the city.

ARTICLE 374. The officers of the city, except the City Treasurer, shall be elected by the qualified voters of the city at a regular city election to be held on the first Monday in April of each odd year; provided, that the Aldermen of the city shall be elected, one from each ward by only the qualified voters of each ward, and one from each ward by the qualified voters of the entire city.

ARTICLE 375. Every male inhabitant in the city qualified to vote for State and county officers in Travis County who shall have resided six months in the limits of the city is a qualified voter for the officers of the city within the meaning of the preceding article; provided that no person shall vote for Alderman unless he has resided for thirty days next preceding the day of election in the ward in which he proposes to vote.

II. INSTALLATION OF.

ARTICLE 376. The Mayor shall, immediately after the holding of an election, issue a call for a meeting of the City Council, to be held on the Saturday succeeding such election, for the purpose of installing the person or persons elected, except a contest be filed.

ARTICLE 377. The City Council shall, when convened as provided for in the preceding article, proceed to ascertain, from the poll books of election and the certificates of the judges of election, who has been elected to the office or offices in question, and shall install the person or persons elected, and have same take the oath of office; and said oath of office may be administered by any person authorized to administer oaths.

ARTICLE 378. Each of the officers of the city shall be installed into their respective offices, and each of said officers shall take the oath of office prescribed by the Constitution of the State of Texas, and in addition, such special and additional oath as may be specially prescribed for each respective office; and each of said officers shall hold his office for the term of two years and until his successor shall have been elected and qualified.

ARTICLE 379. No city officer shall be allowed to qualify or requalify, if he succeeds himself in office, until at a session of the City Council to be held on or after the Saturday next succeeding the election, which shall in all cases occur on Monday, unless his opponent in the election, or all opponents, if more than one, shall sooner file a statement with the City Clerk, that he or they will not contest the election of his or their opponent, naming him. If prior to the time of installing newly elected officers, a contest of his election is filed in writing with the City Clerk, stating the grounds for the contest, he shall not be installed until such contest is determined; provided, that all contested elections shall be decided within fifteen days from the date of election.

III. IMPERSONATION OF.

ARTICLE 380. Whoever in this city shall falsely represent himself to be an officer, or shall without being duly authorized by the city, exercise, or attempt to exercise any of the duties, functions, or powers of an officer of the city government or obstruct or attempt to hinder or obstruct, resist or otherwise interfere with any city officer or policeman in the discharge of his official duty, or attempt to prevent any city officer or policeman from arresting any person, or attempt to rescue from such officer any person in his custody, or wear any badge or uniform similar to that worn by policemen of this city, he shall be deemed guilty of a

misdemeanor and, upon conviction, be fined not less than ten nor more than one hundred dollars.

IV. RECEIPT FOR PROPERTY.

ARTICLE 381. Each officer of the city shall be required to give his receipt to the City Clerk for all property under his charge, or used by him, who shall be responsible for the same, and shall return the same to the city or to his successor, when his time of office expires. Each officer or person not having property in his possession or under his charge, shall at once report the same in writing to the City Clerk.

ARTICLE 382. Whenever, by expiration of term, resignation or otherwise, the duties of any officer of this city shall cease, it shall be his duty to turn over to his successor, or in case there be no successor, to the Mayor or other person designated by the City Council, all the books, records, papers and appurtenances of his office, taking receipt therefor.

V. REPORTS OF.

ARTICLE 383. All officers of the city shall make monthly reports in writing to the City Council at the first regular meeting in each month, and such other reports as they may from time to time be required by the Mayor or City Council to make; and also annual reports of the condition and business of their offices, of the property of the city in their charge or use, by them, and its condition, at the first regular meeting in December of each year.

VI. ABSENCE FROM CITY.

ARTICLE 384. No officer of the city nor any person drawing salary from the city shall absent himself from the city for a longer period than three days at any one time, without first having applied for and received the consent of the City Council; provided, that if the Council be not in session at the time same is desired, the Mayor may grant leave of absence from the city to any officer for a period not exceeding ten days; this article shall not apply to Aldermen.

VII. RESIGNATION OF.

ARTICLE 385. Whenever any officer of this city desires to resign his office, he shall tender his resignation in writing to the Mayor, or, the Mayor being the one wishing to resign, to the City Council at a regular meeting thereof, who may accept or reject the same, as he or it deems proper, and if accepted, the Mayor, or, if it is his resignation that is accepted, the City Council shall at once appoint some suitable person to such office until same shall be regularly filled; such vacancies shall be

filled as vacancies in general are, provided for in Articles 394-396, inclusive.

VIII. REMOVAL AND SUSPENSION OF.

ARTICLE 386. Any officer of the city may be suspended or removed from office for any incompetency, wilful violation or neglect of duty, misdemeanor in office, or for any misbehavior or malfeasance in office; provided, an Alderman shall not be removed a second time for the same offense.

ARTICLE 387. Any complaint or charge made by any person or persons, official or officials, or body or board, against any officer of the city charging any wrong or fault inhibited by Article 386, shall be filed in the City Clerk's office, when the Mayor, or in case of his absence, illness or other disabilities, the President of the City Council shall call an immediate meeting of the City Council to consider same, and shall lay a copy of same before them, and shall immediately issue or cause to be issued by the City Clerk a written notice of suspension of such officer embodying such complaint or charge, or accompanied by a true copy of same certified to by the City Clerk, or in event of his disability, by himself and noting the call and the meeting of the Council, which notice he shall sign; and he shall immediately cause such notice to be served on such officer by the City Marshal or any policeman of the City of Austin, and service thereof shall operate as a suspension from office of such officer until such complaint or charge has been disposed of, and only until such time; provided, that only the Board of Aldermen by a majority vote of two-thirds of a full board can prefer charges against an Alderman for any wilful violation of its rules, or any disorderly behavior in Council.

ARTICLE 388. In case the City Council shall resolve to investigate the complaint or charge made as provided in Article 386, it shall at once set the trial of such officer thereon at a day sufficient to allow the necessary preparation and service, and the City Attorney, or if he be on trial, an attorney of Austin, having the qualifications for City Attorney, who shall have been appointed by the Mayor for such case, shall at once prepare, sign and present a written complaint embodying the charge or charges against such officer, which complaint shall be filed with the City Clerk, when a true copy thereof attested by the City Clerk under the seal of the City, accompanied by a written notice from the City Clerk of the date and hour of trial, shall be served on such officer by the City Marshal or any policeman of the city, at least five whole days exclusive of day of service and of trial before the trial of such officer shall be begun, of which service the written return of the officer making same shall be prima facie evidence.

ARTICLE 389. All trials of any officer of the city shall be by the Board

of Aldermen at which the Mayor, or in case of his absence, illness or other incapacity, the President of the City Council, shall preside; provided that the Mayor shall have no vote and that the President of the City Council shall vote only as an Alderman.

ARTICLE 390. The Board of Aldermen shall be the judge of what shall constitute incompetency, wilful violation, or neglect of duty, misdemeanor, misbehavior or malfeasance in office; provided, that violation or neglect of duty is meant a transgression or disregard of the plain provisions of any law or ordinance prescribing a duty or forbidding an act on the part of an officer, and that misdemeanor in office or malfeasance in office in such acts or omissions on the part of the officer as are expressly declared so to be by law or ordinance.

ARTICLE 391. In all trials of any officer of the city before the Board of Aldermen as herein provided, the city and such officer shall be entitled to process of subpoena and attachment to compel the attendance of witnesses and the production of papers, which shall be issued by the City Clerk and signed by the Mayor, or in case of his absence, illness or inability by the President of the Council, and which shall be served by the City Marshal or any policeman of the city, agreeably to the laws of the State of Texas regulating such process in the courts of the State in criminal cases—provided, that in no case shall the City of Austin be liable for or pay any costs of issuance or service of such process, or any fees of witnesses; and in every such trial the City Attorney shall represent the city, except he be on trial, when the attorney specially appointed by the Mayor for the case shall represent the city, and the officer being tried may likewise be represented by counsel, and the evidence shall be heard by the Council, and not by any subpart thereof, and the accused shall have the right to be present and to have counsel present and to examine and cross-examine any witness; and the City Clerk shall keep a record of all the proceedings thereof, which shall be spread on the minutes of the City Council; and all such trials shall be conducted in an orderly manner, and according to and be governed by the laws and rules of evidence regulating the practice and procedure of the courts of the State of Texas, the presiding officer directing, deciding and enforcing same; and the final judgment of the Board of Aldermen shall be by ballot, provided that the decision of the Board on all incidental questions arising during the progress of any trial may be signified viva voce, a majority to prevail, or in the event of a tie, the Mayor, if he presides, to decide.

ARTICLE 392. In every trial of any officer of the city as provided for herein the Board of Aldermen shall render a final judgment therein, which shall be spread on the minutes of the City Council; if the judgment is that such officer is acquitted of the charges against him, he is

thereby discharged and restored to duty, but if a two-thirds majority vote of the full Board of Aldermen is to sustain the charge or charges against such officer he is thereby convicted, and the Mayor or the President of the Council, if then acting as Mayor, shall immediately give him written notice thereof, and such officer is thereby removed from his office and same made vacant; provided, that a vote to sustain by a less vote than two-thirds of a full Board of Aldermen is an acquittal.

ARTICLE 393. If after his election any Alderman shall remove from the ward from which he was chosen, and any other officer of the city shall remove from the city, his office shall thereupon become vacant.

ARTICLE 394. Whenever any vacancy shall happen in the office of Mayor or Alderman within six months before time for holding a general election, it shall be filled by election by the City Council of some person not a member of the Council, in which case such officer shall hold office for unexpired term of office only, vacancies occurring in said office more than six months before a general election shall be filled by a special election by the qualified voters of the city.

ARTICLE 395. Whenever any vacancy, whether by resignation, removal, death or otherwise, shall happen in any office of the city, except the office of the Mayor or of an Alderman, it shall be filled by election by the City Council of some person not a member of the Council; provided that vacancies in those offices not filled by election of the voters in the first instance, shall be filled in the same manner as in the first instance.

ARTICLE 396. Officers filling vacancies shall hold office for the unexpired term of office only, and that such officer shall have the same duties and the emoluments of the office like as the officer elected to such office in the first instance.

CHAPTER II.

THE MAYOR.

ARTICLE 397. The Mayor shall be the chief executive officer of the city, and he shall have general supervision and control of all officers of the city, and may at any time examine into the condition of their offices, books, papers, accounts and records, and he shall require of said officers reports relative to their respective offices when same is required by law, and he shall have the power when he deems it necessary, to require any officer of the city to exhibit his accounts and other papers, and he may demand of said officers any information relative to their official business, and the manner of conducting the same, and it shall be his duty to make a report to the City Council in writing regarding any error or deficiency, or neglect of duty that he may discover, and the City Council shall be convened at once for this purpose.

ARTICLE 398. The Mayor shall sign the commission and appointments of all persons elected by the City Council, and he shall sign all bonds, warrants and other evidences of indebtedness of the city; and also all ordinances and resolutions of the City Council, except in case of ordinances and resolutions passed over his objection by a majority of two-thirds of a full Board of Aldermen; also all deeds, except tax deeds, contracts and agreements made or entered into pursuant to any ordinance of the City Council.

ARTICLE 399. The Mayor shall keep the seal of the city, and alone shall have the right to affix the same to any document, except as herein otherwise expressly provided.

ARTICLE 400. The Mayor shall preside at all meetings of the City Council except as where otherwise provided by law, and shall have a casting vote when the Council is equally divided, and not otherwise.

ARTICLE 401. It shall be the duty of the Mayor to see that all officers of the city shall duly and legally qualify in accordance with the charter and the ordinances of the city, before entering upon the duties of their respective offices; also, to deliver to the City Attorney, for the purpose of taking any necessary steps relative thereto, any process or notice of any legal or other proceeding against the city, or in which the city is interested and which shall have been served on him; also, at any season or time whenever there are, in his opinion, mad or rabid dogs in or near the city, and the public health or safety is thereby endangered, to issue his proclamation forbidding the running at large of any dogs not muzzled, and he may offer for their destruction such premium as he may deem proper; and he may require any and all policemen to destroy any dog found at large in violation of such proclamation, and if any person shall make affidavit before the Mayor or Recorder that any dog has bitten or attempted to bite any person in this city, and it shall appear that the person so bitten or attacked was not at the time trespassing upon the person or property of the owner or keeper of such dog, it shall be the duty of the Mayor to direct the owner or keeper of such dog to kill the same, or to remove the same permanently beyond the city limits within six hours from the time of service of such notice; also to do and perform such other things as the charter and ordinances of the city provide and require.

ARTICLE 402. The Mayor shall, three days before the first regular monthly meetings in February, May and August, and on the twentieth day of October in each year, make a report to the City Council, in writing, of the financial condition of the city, including the amounts coming in from all sources, and the amounts paid out and due by the city, and such other matters as may be of interest to the city; and he shall from time to time, communicate to the City Council information and recom-

mend such measures as in his opinion may tend to the improvement of the finances, health, ornament and general prosperity of the city.

ARTICLE 403. The Mayor, or in case of his absence or incapacity, the President of the City Council shall issue all proclamations relating to the holding of any elections in the city ordered by the City Council.

ARTICLE 404. The Mayor shall take care that the laws of the State and the ordinances of the city are duly enforced, respected and observed within the city, and he is hereby authorized to call upon every male inhabitant of the city over eighteen years of age and under the age of fifty years, and the City Police and any military company, to aid in enforcing the laws and ordinances of the city, and any person who shall not obey such call shall forfeit to the city a fine not to exceed two hundred dollars.

ARTICLE 405. The Mayor, by and with the consent of the City Council, shall have the power to remit fines, forfeitures and penalties, and to grant reprieves and pardons for all offenses arising under the ordinances of the city.

ARTICLE 406. The Mayor shall have the power to take any secret measures he may deem necessary for the detection and apprehension of offenders against law or ordinance, but no expenditure of money for such service shall be made without the consent of the City Council.

ARTICLE 407. The Mayor, for the purpose of effecting the removal of paupers from the city, who might otherwise become a greater burden to it, shall have power, by the consent of the Council, to use such amounts of money therefor as may be necessary.

ARTICLE 408. The Mayor may, using a sound discretion, order the burial in the city cemetery of the dead body of any pauper or person thrown upon the care of the city, without friends, at the cost of the city.

ARTICLE 409. Accounts for the detection and apprehension of offenders and for the removal, care and burial of paupers, must be signed by the Mayor as correct and just, and paid only by the order of the Council.

ARTICLE 410. It shall be the duty of the Mayor, in all cases of suspension of any officer of the city, as herein provided, to appoint some suitable person to discharge the duties of such office during the interval between the suspension of such officer from duty and his restoration, or, in case of his removal, the qualification of his successor, and to put such person so appointed, on his compliance with all the requirements of the charter and ordinances prescribed for the officer regularly elected to such office, in possession of said office, together with all books, papers, records and other property thereto belonging.

ARTICLE 411. In case of the absence, illness or other temporary disa-

bility of the Mayor to perform the duties of his office, the President of the Council shall discharge all the duties of Mayor, and in case of the death, resignation or removal of the Mayor, the President of the Council shall discharge his duties and receive his salary from the time of such death, resignation or removal, until a successor is elected and qualified. In event of the suspension of the Mayor, such President shall discharge his duties during the period of such suspension, but without compensation.

ARTICLE 412. The Mayor shall have power to solemnize marriages and to administer oaths of office.

ARTICLE 413. The Mayor shall try all cases of violation of the city ordinances.

CHAPTER III.

THE CITY MARSHAL.

ARTICLE 414. In addition to the oath required of all officers of the city, the City Marshal shall, before he enters upon the duties of his office take an oath to enforce, within the city, the laws of the State of Texas and ordinances of the city, and to arrest all violaters thereof without fear or favor.

ARTICLE 415. Before entering upon the duties of his office, the City Marshal shall enter into a bond payable to the City of Austin in the penal sum of two thousand (\$2000) dollars, with two or more good and sufficient sureties, conditioned for the faithful discharge of his duties, said bond to be approved by the City Council.

ARTICLE 416. The City Marshal shall be ex-officio Chief of Police, and shall be the chief police officer of the city under the Mayor, and he shall either in person or by deputy attend upon the Mayor's Court while in session, and upon all meetings of the City Council, and shall promptly and faithfully execute all writs and processes issued to him. He shall have like power with the sheriff of the county to execute the writ of search warrant. He shall be active in quieting riots, disorders and disturbances of the peace within the limits of the city, and shall take into custody all persons so offending against the peace of the city, and shall have the authority to take suitable and sufficient bail for the appearance before the Mayor's Court of any person charged with an offense against the ordinances or laws of the city. It shall be his duty to arrest without warrant all violaters of the public peace and all who obstruct or interfere with him in the execution of the duties of his office, or who shall be guilty of any disorderly conduct or disturbance whatever in his presence or upon complaint of any citizen. To prevent a breach of the peace, or preserve quiet and good order he shall have authority to close any theater, barroom, drinking house, or any other

place or building of public resort, and in the prosecution and suppression of crime and arrest of offenders he shall have, possess and exercise like power, authority and jurisdiction as the sheriff of the county under the laws of the State. He shall summon the Aldermen to all meetings of the City Council. He shall perform such other duties, possess such other powers, rights and authority as the law and ordinances require and confer.

ARTICLE 417. The City Marshal shall previously recommend and approve all appointees to the office of Sergeant of Police and policemen, and he shall prescribe rules for the government of the police force, and cause the same to be observed; he shall see that each policeman is properly armed and equipped, in accordance with regulations and as the emergency requires, and that he perform faithfully the duties required of him, and he shall report monthly the time served by each policeman, the time absent from duty, and such other information as he deems proper.

ARTICLE 418. The City Marshal shall at all times have and exercise command and supervision of all police officers of the city, for all of whose official acts he shall be responsible, and under the supervision of the Mayor and City Council, he shall have control of the police force of the city, and shall, with the approval of the Mayor, have the power to suspend from duty or remove from office the Sergeant of Police and any policeman for any cause to them just and sufficient; he may assign each policeman his round of duty, or, if he deem necessary, use the whole force in any one place in the suppression of crime or the preservation of the peace.

ARTICLE 419. The City Marshal or the Sergeant of Police shall make at least two regular rounds during the day, and at least one regular round after 12 o'clock at night, for the purpose of ascertaining whether or not each policeman is at his post of duty; shall see that each policeman goes on duty at his regular hours, and that the policemen while on duty do not cease their regular rounds to talk to each other, or to others, except in the discharge of their duty, and generally to see that the police force of the city perform the duties assigned them in a proper manner, and to this end the City Marshal shall keep posted, at all times, at police headquarters printed cards containing these and such other regulations as he may deem best to effect a complete organization and discipline of his force.

ARTICLE 420. Whenever any offender has been arrested as provided for by ordinance, it shall be the duty of the Marshal, or other officer having the offender in custody, to keep him in such manner as to prevent his escape, until such time as he shall be required to bring such offender before the court for trial, and such officer shall be responsible for the appearance of said offender; but any person who has been guilty of a

misdemeanor may be released on giving bond for his appearance, in such sum as the Mayor, Recorder or City Marshal shall determine, with good and sufficient surety, to be approved by the Marshal.

ARTICLE 421. Whenever any penalty, fine or costs shall have been imposed for a violation of law or ordinance in this city, it shall be the duty of the City Marshal to cause the same to be enforced and collected, and he shall be responsible upon his bond for such collection; and in no case shall he discharge or release from custody any defendant after conviction, until the fine and costs assessed against such defendant have been fully paid; he shall make a monthly report to the City Council of all cases in the Recorder's Court upon which judgment has been rendered, with a separate statement for each case, containing the name of the party against whom judgment has been rendered, the character of the judgment, the amount of fines assessed, the amount collected, the amount worked out as provided for elsewhere, and the amount uncollected in each case, which report must be approved by the Recorder, so far as it appears on his docket.

ARTICLE 422. The City Marshal shall daily pay over all moneys collected by him to the City Assessor and Collector upon his receipt for the same.

ARTICLE 423. The City Marshal shall report to the City Attorney all breaches of the peace, crimes, misdemeanors or violation of law or ordinances which may in any manner come to his knowledge.

ARTICLE 424. The City Marshal shall report all nuisances, or other things made unlawful by law or ordinance, to the proper officer, and he shall give or cause to be given the alarm of fire whenever a cause exists therefor.

ARTICLE 425. The City Marshal shall have the power, and it is his duty, to arrest, take charge of, confine or bring before the Recorder for trial, all persons found violating any law or ordinance in this city; to enter any house, enclosure, or other place where any breach of the peace, crime or violation of law or ordinance has been, is being or is about to be, committed, and arrest the offending party; he may convey any such offending party to the police station, or other place of confinement, and in such cases the City Marshal shall report to the City Attorney the cause of arrest, names of witnesses, and the facts connected therewith.

ARTICLE 426. Whenever, in order to quell riotous or disorderly conduct, to make any arrest, or for any other purpose herein provided for, an additional force may be found necessary, the City Marshal or any peace officer of the city may call upon any inhabitant of this city, and require his aid and assistance; and it shall be unlawful for any such inhabitant, when so called upon, to fail or refuse to give such aid and assistance as required.

ARTICLE 427. It shall be unlawful for any person or persons to obstruct, prevent or interfere with the City Marshal, or any other peace officer in the lawful discharge of his duty within the limits of this city.

ARTICLE 428. The City Marshal shall exercise a general superintendence over the streets, alleys, bridges and other public places in this city, and over the property of the city not in charge of another, and over the fire cisterns, water plugs and fountains, and shall cause all nuisances or obstructions to be removed from the streets or other public places, and from time to time, shall report to the City Council the condition of the same, and of any property of the city needing repairs, and he shall be superintendent of the city prison.

ARTICLE 429. The City Marshal shall make, or cause to be made, a careful inspection of the vaults, sinks, privies and water closets attached to or used by all schools, both public and private, within the City of Austin, at least once in every thirty days during the time such schools are in session.

ARTICLE 430. The City Marshal shall require all such vaults, sinks, privies and water closets to be kept in a clean, healthy condition at all times, and that no accumulation of filth be permitted.

ARTICLE 431. The City Marshal shall, when necessary, prescribe and require the use of dry dirt, disinfectants and such other means as he may deem advisable to prevent the generation of disease in such vault, sink, privy or water closet.

ARTICLE 432. When any vault, sink, privy or water closet belonging to or used by any public school is found to be in an unclean or unhealthy condition, it shall be the duty of the City Marshal to immediately give notice thereof to the principal, or teacher, or person in charge of such school, and, if the same shall not be placed in a clean and healthy condition within three days after such notice, then it shall be the duty of the City Marshal to give official notice of such fact to the Board of Trustees of the public schools, through the President of the board; and if the same shall not be placed in a clean and healthy condition within three days after such notice to the Board of Trustees, then the City Marshal shall make due report thereof to the City Council.

ARTICLE 433. When any vault, sink, privy or water closet belonging to or used by any private school or institution of learning is found to be in an unclean or unhealthy condition, it shall be the duty of the City Marshal to immediately give notice thereof to the president, principal, proprietor, teacher or person in charge of such school or institute, and if the same shall not be placed in a clean and healthy condition within three days after such notice, then it shall be the duty of the City Marshal to make due report thereof to the City Council.

CHAPTER IV.

THE CITY CLERK.

ARTICLE 434. The City Clerk shall, upon entering upon the duties of his office, take the prescribed oath of office and give bond with two or more good and sufficient sureties, to be approved by the City Council, in the sum of one thousand dollars, payable to the City of Austin, conditioned for the faithful discharge of the duties of his office.

ARTICLE 435. It shall be the duty of the City Clerk to attend all meetings of the City Council and to keep accurate minutes of the proceedings thereof in a book to be provided for that purpose, to preserve and keep in order all books, papers, documents, records and files of said Council, to countersign all commissions and licenses issued by the Mayor, and to keep a record of them, and to draw all warrants on the Treasurer, and countersign the same, and to keep accurate accounts thereof in a book provided for that purpose.

ARTICLE 436. The City Clerk shall keep posted in a conspicuous place in the Council room a copy of the estimate provided for in the charter, and shall note in connection therewith the aggregate of each appropriation, ordinances affecting the general funds passed by the City Council after the same takes effect.

ARTICLE 437. The City Clerk shall have custody of all ordinances of the city, and he shall record all ordinances passed by the City Council in a book which he shall keep for that purpose.

ARTICLE 438. The City Clerk shall have custody of all seals of the corporation, and shall only affix the same to the obligations of the city by order of the proper authority of the city.

ARTICLE 439. The City Clerk shall attest all city bonds or other instruments of like nature issued by order of the City Council and signed by the Mayor.

ARTICLE 440. The City Clerk shall keep the accounts of all officers of the city and he shall make an entry of all bills, accounts or other evidence of indebtedness presented by any person against the city for payment, provided the same be properly approved, in a book, which he shall keep for that purpose.

ARTICLE 441. The City Clerk shall make monthly report to the City Council of the condition of his office, and also such other reports as may from time to time be required of him.

ARTICLE 442. It shall be the duty of the City Clerk to furnish any person applying therefor, certified copies of any of the papers and records of his office, for which he shall demand and receive from such person so applying, for the use of the city, and to be turned over to the City Treasurer, a fee of fifty cents per one hundred, or less than one hundred

words of the paper or record so furnished by such City Clerk, and twenty-five cents for each certificate without seal, and fifty cents for certificate with seal; provided, that no fee shall be charged for copies furnished the Mayor, members of the City Council, or the City Attorney.

ARTICLE 443. The City Clerk shall provide and keep in his office a book containing an itemized list of all personal property of every character belonging to the city, and the same shall be so kept as at all times to exhibit the exact condition of such property, and in whose care and custody the same is.

ARTICLE 444. The City Clerk shall, on or before the first day of January of each year, or as soon thereafter as practicable, make out and deliver to the Assessor and Collector a full and complete list of all real estate in the City of Austin previously sold for taxes and bought in by the city, and not redeemed as allowed by law and ordinances.

ARTICLE 445. In trials before the City Council the City Clerk shall attend, shall keep a record of the proceedings, and shall issue and attest all notices and process necessary in and about such trials, but all such notices and process shall be signed by the presiding officer at such trials.

ARTICLE 446. The City Clerk shall perform such other and further duties as law and the ordinances provide, or as the City Council, by resolution or otherwise, may require.

CHAPTER V.

THE CITY ATTORNEY.

ARTICLE 447. The City Attorney shall be a regular licensed lawyer, who shall have received his license to practice law in this State more than five years before his election, and before entering upon the duties of his office he shall take the prescribed oath.

ARTICLE 448. It shall be the duty of the City Attorney to institute, prosecute, defend, generally manage and attend to all cases and suits in any court in the State wherein the city may be a party in interest unless the City Council otherwise provides; he shall attend all meetings of the City Council to give advice; he shall draw all ordinances when requested to do so by the Mayor or any Alderman, and inspect and advise upon all papers and documents involving any interest of the city; he shall be the legal adviser of the Mayor, the City Council or any committee or board of the city and of all city officers and authorities upon legal questions touching their official duties, and shall give his opinion upon all legal questions arising under the city government whenever called upon by the Mayor or the City Council so to do, and shall advise any officer of the city upon any legal question affecting the interests of the city that may be referred to him at any time by such officer. He shall attend before the City

Council upon the trial of any officer of the city to conduct and manage the prosecution thereof. He shall attend, either in person or by deputy, daily at the Recorder's Court for the purpose of prosecuting all cases in said court arising under the charter and ordinances of the city. He shall prepare and draw all complaints for offenses cognizable in the Recorder's Court, and all complaints for misdemeanors against the Mayor, Aldermen or any of the officers or agents of the city. He shall prepare all subpoenas and attachments for witnesses, and shall cause all necessary witnesses to be summoned on the part of the prosecution before the Recorder's Court or the City Council, and shall have full power and authority to administer oaths to persons making complaints before the Recorder's Court. He shall draw and prepare all bonds, contracts, agreements, deeds, easements and other papers of like nature, which may be made or entered into by the city, or to which the city may be a party. He shall perform such other and further professional duties on behalf of the city as may from time to time be required of him by the City Council.

ARTICLE 449. Whenever he shall have evidence of misdemeanor in office on the part of any officer of the city the City Attorney shall immediately make complaint against such officer and provided and contemplated in those ordinances on removal, and any wilful failure or refusal on his part so to do shall be deemed a high misdemeanor.

ARTICLE 450. In event of the absence, illness or other incapacity of the City Attorney, the Mayor shall appoint a competent attorney of the city to discharge the duties of the office, who shall qualify in the manner prescribed for the City Attorney and shall hold until the City Attorney returns or his incapacity ceases, or his successor qualifies; and such appointee shall receive the salary and fees of the City Attorney for and during the period he shall discharge the duties of the office.

CHAPTER VI.

THE CITY ASSESSOR AND COLLECTOR.

ARTICLE 451. The City Assessor and Collector shall, before entering upon the duties of his office, take the oath of office prescribed for all officers of the city, and shall give a bond, payable to the City of Austin, in the sum of thirty-eight thousand (\$38,000) dollars, with three or more good and sufficient sureties, to be approved by the City Council, conditioned for the strict account and payment of all moneys that may come into his hands, and for the faithful performance of all his duties that are or may be imposed upon him by or under the charter or ordinances of the city or by order of the City Council.

ARTICLE 452. The City Council may require of the City Assessor and Collector a new bond and additional or other sureties whenever in their

opinion the existing bond is insufficient, and whenever such bond or additional sureties is required the Assessor and Collector shall perform no official act until such new bond or additional surety shall have been given and approved; and should the Assessor and Collector fail to give a new bond, or additional surety when required, or should appear to be a defaulter to the city, or delinquent in the performance of any important duty, or shall become addicted to habitual intemperance or gambling, or shall be incompetent to discharge his official duties from any cause whereby the interests of the city may be jeopardized, he shall be removed from office.

ARTICLE 453. The Assessor, after entering upon the duties of his office, shall devote his whole undivided time to the discharge of his duties until the assessment is finished and returned, provided by ordinances and laws of the city.

ARTICLE 454. The Assessor and Collector may appoint one or more deputies to assist him in the assessment and collection of taxes, who shall take the oath prescribed by the Constitution, and may require such bond and security from the person so appointed as he deems necessary for his indemnity, and he shall in all cases be liable for the proceedings and misconduct of his deputies; and such deputy or deputies shall do and perform all the duties imposed and required of the Assessor and Collector, and all their acts done in conformity with law shall be as binding and valid as if done by the Assessor and Collector in person.

ARTICLE 455. The Assessor and Collector may, subject to the approval of the City Council, appoint and employ an assistant in his office for all of whose acts the Assessor and Collector shall be responsible on his bond. Such assistant shall receive an annual salary of nine hundred dollars, payable in equal monthly payments, and may perform any and all duties which may be performed by the Assessor and Collector.

ARTICLE 456. It shall be the duty of the Assessor to make return to the Board of Appraisers and Equalization on or before the first Monday in June of each year, a full and complete assessment of property within the city.

ARTICLE 457. The Assessor shall attend the meetings of the Board of Appraisers and Equalization, and furnish all the information in his power in relation to the property, and assessments.

ARTICLE 458. The Assessor and Collector shall be vigilant and see that no business is carried on without the license or occupation tax due thereon shall have first been paid. He shall be vigilant in collecting all delinquent taxes, and enforce their collection as provided by the charter and ordinances.

ARTICLE 459. The Assessor and Collector shall turn over to the City

Attorney for suit any note or other claims of any kind, except tax claims, which he is unable to collect and can be collected by suit, charging the City Attorney with same, and taking his receipt therefor. When same shall have been collected, he shall credit the City Attorney with such amounts, and the City Clerk shall also charge the same, and keep proper account with the Assessor and Collector and the City Attorney.

ARTICLE 460. It shall be the duty of the City Assessor and Collector to take the scholastic census of the City of Austin annually, under the direction of the Board of Trustees of the public schools, and he shall file reports of same as required by law. And for this service he shall be entitled to receive the compensation provided by the State of Texas, and such compensation as the Board of Trustees may allow, in addition to the salary allowed by the city.

ARTICLE 461. The Assessor and Collector of the City of Austin be and is hereby required to keep the following records, to wit:

Section 1. Daily Record of Ad Valorem and School Taxes Collected.—This record shall contain the date, name, number of each receipt and the amount of ad valorem and school taxes collected each day.

Sec. 2. Daily Record of License Taxes Collected.—This record shall contain the date, name and number of each license and amount of same collected each day.

Sec. 3. Daily Record of Miscellaneous Collections.—This record shall contain the items, ground rents, fines and costs of Recorder's Court, sales of cemetery lots and any other source of collections not provided for, the date, name and amount collected each day.

Sec. 4. Daily Record of Collections and Deposits.—In this record should be posted daily in the proper column the total collections of each day from each source as shown in each of the preceding daily records, numbers one, two and three, the aggregate amount of such collections and the date number and amount of each treasurer's receipt on account of such collections. Each page will contain the entries for one month.

Sec. 5. Record of License Taxes.—This record shall contain an alphabetical list of names of all persons, who shall have paid license taxes and shall state thereon the number of the license, the period of time the business for which such license taxes have been paid and the amount of said license taxes.

Sec. 6. Record of Real Estate and Personal Property Sold to the City and Delinquent Taxpayers.—This record shall contain an alphabetical list of persons whose property has been sold and bid in by the city for taxes, a description of the property so sold, the year for which the taxes were due and the amount of taxes and costs, also the names of insolvent taxpayers and amounts due by them.

Sec. 7. Record of Ground and Other Rents.—This record shall con-

tain the names of persons renting or leasing from the city real estate or other privileges, the period, terms, date of payment and amounts paid.

Sec. 8. Record of Cemetery Lots Sold.—This book shall contain the names of persons who have purchased cemetery lots, the date of payment, amount paid and description of the lots or parts of lots purchased.

Sec. 9. Ledger.—This record shall contain separate accounts of each of the various items of collections, which must be posted every month from record number four (Daily Collections and Deposits) and balanced at the close of every fiscal year. All credits for delinquent and insolvent taxes, errors in assessments, sales of property for taxes of previous years, or for the year to be closed and all other credits, after being submitted in an itemized statement and approved by the Finance Committee of the City Council must be entered upon the respective accounts prior to balancing said accounts for each fiscal year and said itemized statement shall be filed with the City Clerk within ten days after making said entries.

ARTICLE 462. The records above prescribed shall be kept in well bound books and are the property of the city.

ARTICLE 463. The Assessor and Collector shall have all the powers and perform all the duties herein provided and such others as the Council may confer and prescribe.

ARTICLE 464. The word "assessor" and the word "collector" wherever they occur shall be understood to mean Assessor and Collector.

CHAPTER VII.

THE CITY TREASURER.

ARTICLE 465. The office of City Treasurer shall be let by contract to the highest and best bidder, in the discretion of the City Council, and in determining the highest and best bidder, the highest rate of interest to be paid upon daily balances, and value of bond tendered, shall be the criterion that shall decide. The Finance Committee of the City Council shall, within ten days from its appointment by each Council, advertise three days successively in some daily newspaper published in said city for bids for said office, stating in the advertisement what said bids shall specify, including the rate of interest on daily balances, the terms on which such bids shall be received, and the time when same shall be opened. Said bids shall be opened and examined by the Finance Committee in the presence of the Council within ten days after the last insertion of said advertisement; and said committee shall thereafter report to the City Council, at its next regular meeting, what bids have been made and the recommendation of said committee as to which of said bids is, in its opinion, the highest and best bid. The City Council shall

thereupon at the same meeting proceed to pass upon said bids and report and elect from among said bidders a City Treasurer. The Treasurer appointed by contract under the provisions hereof shall nevertheless be deemed, for all purposes, to be an officer of said city, and subject to the same duties and liabilities as would be a treasurer otherwise elected.

ARTICLE 466. Before entering upon the duties of his office, the City Treasurer shall take the oath of office prescribed by the Constitution of the State and shall enter into bond with three or more good and solvent sureties, to be approved by the Mayor and City Council, in the sum of fifty thousand (\$50,000) dollars, payable to the Mayor of the City of Austin, and his successors in office. Said bond to be conditioned for the faithful discharge of his duties and for a strict account and payment of all moneys that may come into his hands, and for the faithful performance of all duties imposed upon him by or under the charter or ordinances of this city or by order of the City Council.

ARTICLE 467. The Treasurer of the City of Austin is hereby made the ex-officio Treasurer of the Water, Light and Power Commission of the City of Austin; and as such Treasurer for said Commission he shall give bond payable to the City of Austin and subject to the approval of the Commission, in a sum to be fixed by said Commission, and not less than twenty-five thousand dollars, conditioned for the faithful performance of all duties devolving upon him as said Treasurer of said Commission; any guaranty company having complied with the provisions of the laws of Texas in that respect may become surety upon such bond.

ARTICLE 468. In the event of the death or insolvency of said sureties, or either of them, it shall be the duty of the Treasurer to immediately give a new bond of like amount and condition.

ARTICLE 469. The City Treasurer shall receive and securely keep all money belonging to the city, and shall make all payments of same upon warrants of the Mayor, attested by the City Clerk; and he shall keep a strict account of all moneys received and paid out by him. He shall render a full and correct statement of his receipts and disbursements to the City Council at its first regular meeting in each month, and shall show therein the balance of money in the treasury unappropriated, and he shall at any time when required by the City Council, the Mayor or the Finance Committee, report the condition and amount of the finance of the city, and shall produce vouchers for all sums of money paid out by him, and he shall render such additional statements concerning the conduct of his office as the Council may from time to time require.

ARTICLE 470. The Treasurer shall make quarterly reports of the amount and condition of the city finances to the Chairman of the Finance Committee three days before the regular meeting of the City Council, in the months of February, May and August in each year, and

also a full report for the whole year, commencing on the twenty-first day of October, stating every item received and disbursed, to be delivered to the Chairman of the Finance Committee on or before the twentieth day of October thereafter in every year.

ARTICLE 471. The City Treasurer of the City of Austin shall open an account to be known as the "New Coupon Account," and shall deposit in said New Coupon Account all money appropriated to pay interest coupons on refunding bonds of the City of Austin, Texas, which became due on or since January 1, 1902, and which have not been paid in liquidation of such coupons within one year from the time said coupons became due.

ARTICLE 472. The City Treasurer shall carry such money to the credit of said New Coupon Account for the purpose of paying such coupons as same may be presented, said payments to be made by an appropriation made by the City Council for that purpose.

ARTICLE 473. It shall be the duty of the City Treasurer to make monthly reports to the City Council of said account.

ARTICLE 474. The City Treasurer of the City of Austin shall open an account to be known as the "Old Coupon Account" in which he shall deposit all money appropriated to pay interest coupons on water works and electric light bonds of the City of Austin, Texas, which became due on or prior to April 1, 1900, and which has not been paid in liquidation of such coupons.

ARTICLE 475. The City Treasurer shall carry such money to the credit of said Old Coupon Account for the purpose of paying such coupons as same may be presented, said payments to be made by an appropriation made by the City Council for such purpose.

ARTICLE 476. It shall be the duty of the City Treasurer to make monthly reports to the City Council of said account.

ARTICLE 477. The Treasurer shall perform such other acts and duties as the Council may require.

CHAPTER VIII.

THE CITY PHYSICIAN.

ARTICLE 478. The City Physician shall be a practicing physician in good standing, and before entering on the duties of his office, shall take the oath prescribed for all officers of the city.

ARTICLE 479. It is hereby made the duty of the City Marshal or any member of the police force to promptly call upon the City Physician to treat all emergency cases of accidents to persons who are unable by reason of injuries to call upon their own physician; and it is hereby made the duty of the City Physician to respond promptly to all such calls and to keep the police department advised as to his whereabouts both by day and night.

ARTICLE 480. The City Marshal and members of the Police Department are hereby prohibited from calling in or engaging on behalf of the city the services of any physician other than the City Physician in any case except such cases as those in which the City Physician can not by reason of being in attendance upon prior emergency calls by the Police Department be had in time to save the injured person from death or serious and permanent bodily harm.

ARTICLE 481. The City Physician shall see that all the provisions of the ordinances of the city relative to health are strictly complied with, and to this end he shall have power, concurrent with the City Marshal, to see that the health inspectors and policemen perform their duty faithfully in ascertaining and making complaint against the authors of all nuisances. He shall superintend the city hospitals, visit the city prison, and take charge of and attend all cases of disease or accident certified to him by the Mayor as demanding medical attention.

ARTICLE 482. It shall be the duty of the City Physician whenever in his opinion anything, or state of things, in this city is or may become a nuisance and dangerous to the health of the city, to certify the same to the Mayor, who shall, if necessary, order the City Marshal to cause the same to be removed, corrected, abated or destroyed; and thereupon it shall be the duty of the City Marshal to notify the author of said nuisance, or the person owning or controlling the property or thing which is or may be liable to become a nuisance, to remove, correct or abate the same, and in case of the refusal or failure of said person to comply with such notice, it shall be his duty to cause the same to be done, calling such assistance as may be necessary therefor, and all costs attending such action shall be charged to the author of said nuisance, or to the person owning or controlling the property on which the same exists, and said costs shall be collected as other costs; provided, that nothing herein contained shall be so constructed as to prevent a proceeding against the same party or parties for any misdemeanor of which they may have been guilty in the premises.

ARTICLE 483. It shall be the duty of the City Physician to keep himself advised of the existence of any pestilential, contagious or infectious diseases at all ports or other places within the State; and if at any time there may, in his opinion, be danger of such disease being introduced into this city, he may require the owner, driver, conductor or person or persons in charge of any railway car, engine or train, stagecoach or wagon, carriage or other vehicle, or any person or persons whatever, to remain in quarantine at such place or places and for such period as the City Council may direct.

ARTICLE 484. The City Physician shall prepare and file with his monthly reports hereafter to be made duplicate copies of each pauper

prescription given by him during the month and to make each such copy show the name, age, sex, and place of residence of the person for whose benefit it was given.

ARTICLE 485. The City Physician may establish such sanitary regulations for the government of places under his charge as he may deem necessary, with the consent of the City Council, and it shall not be lawful for any person to violate such regulations when so established, nor at any time to interfere with or hinder the City Physician in the discharge of his duty.

ARTICLE 486. The City Physician shall make a report in writing to the City Council at the first regular meeting in each month of the condition of the hospital, and of the names, complaints, diseases, hurts and condition of the patients therein.

ARTICLE 487. The salary of the City Physician shall be paid in equal monthly installments.

CHAPTER IX.

CITY ENGINEER.

ARTICLE 488. The City Engineer shall be a professional surveyor and engineer, and competent to perform the duties of his office, and before entering upon the duties of his office he shall, in addition to taking the oath prescribed for all officers of the city, swear well and impartially to discharge his duties, and he shall enter into bond in the sum of one thousand dollars, payable to the City of Austin, and with two or more good and sufficient sureties, to be approved by the City Council, conditioned for the faithful performance of the duties of his office, and he shall be ex-officio Street Commissioner.

ARTICLE 489. The City Engineer shall have an office, to be provided for him by the city; provided, that he shall occupy in the City Hall free of cost to the city.

ARTICLE 490. The City Engineer and ex-officio Street Commissioner shall do and perform such acts and duties as are provided and imposed by law and the ordinances, and as the Council shall direct.

ARTICLE 491. The City Engineer shall keep suitable records of all surveys made by him, showing by plans of the lots surveyed how the same was done; also suitable records of the grades of streets and alleys of the city, and shall be responsible on his official bond for all his acts; he shall not absent himself from the city without the consent of the City Council, and he shall make from time to time reports to the City Council of all work done by him.

ARTICLE 492. The City Engineer shall receive as compensation for his services for making any survey of private property such fees as he

may by agreement with the person requiring the same be entitled to, not to exceed the fees allowed by law for like services, in addition to his salary.

ARTICLE 493. All work done by the City Engineer shall be submitted to and approved by the Street Committee.

ARTICLE 494. When making surveys and inspections, and when performing other duties required of him by the city, he shall be furnished by the city with the necessary assistants and transportation, to be paid him in like manner as other claims against the city. He shall also be furnished by the city with the necessary books, stationery, desk and stakes or monuments for the performance of his duties.

ARTICLE 495. It shall be the duty of the City Engineer to establish throughout the city initial points and monuments, at least one to each square of four blocks, and from such points to extend the surveys of the city. And it shall also be his duty, when called upon to do so, to locate, establish and survey all lines of property, public or private, in this city, and to make all surveys and calculations for grading or other work to be done on streets, alleys, squares, bridges, culverts, sewers, and other public places in this city; provided, that when any line of any street or property has been surveyed and located by the City Engineer, the same shall not be changed by him or his successors without good cause shown and an order of the City Council.

ARTICLE 496. The City Engineer will adopt and be guided by the plan of survey and plats of the City of Austin, as kept on file in the General Land Office, in locating the lines and dimensions of any property, and width of any street and other public places in this city.

ARTICLE 497. The City Engineer shall have supervisory control of all streets, alleys, public grounds and buildings of the city, and shall superintend all changes, repairs, improvements thereof or work thereon.

ARTICLE 498. Whenever it shall come to the knowledge of the City Engineer that any street or alley is in a dangerous or impassable condition, or that any alteration or repair thereof is necessary, he shall immediately report such fact to the Mayor in writing, to be laid before the City Council.

ARTICLE 499. The City Engineer shall receive an annual salary of twelve hundred dollars payable in equal monthly payments, and such fees as he may charge and receive of private persons as allowed by law and ordinances.

ARTICLE 500. The City Engineer shall make monthly reports, in writing, to the City Council, at the first regular meeting thereof in each month, of the condition of his office and the work done by him and under his direction for the city; he shall also make an annual re-

port in like manner with other officers of the city, and such other reports as may from time to time be required of him.

CHAPTER X.

THE CITY WATER, LIGHT AND POWER COMMISSION.

ARTICLE 501. That there shall be a board designated and known as "The Austin Water, Light and Power Commission of the City of Austin," composed of four commissioners, possessing the qualifications required for Mayor of said city, and the Mayor of the City of Austin, who shall ex officio be a member thereof. Said commissioners to be elected by the qualified voters of the city and to serve without compensation, and shall hold their offices for a term of two years, and until the election and qualification of their successors. They shall qualify within twenty days after their election, and take the oath prescribed by the Constitution of the State.

ARTICLE 502. The Board and their successors shall take and hold possession of and have and receive general exclusive supervision, management and control of the system of waterworks, electric lights and power plants of the City of Austin, and all property, funds and business belonging or appertaining thereto; and it shall have the exclusive power and it is charged with the duty as a branch of the city government to furnish all water, light and power adequate to the requirements of the City of Austin for public use, and for such compensation, to be paid by the city as hereinafter provided; and said Board shall have the power to make and enforce any and all contracts deemed proper by it, and not prohibited by law or this act in connection with its duties and powers hereby given it. Said Board shall further have the power and is hereby given the right to use the same banks of the Colorado River within the limits of the City of Austin for the purpose of maintaining and constructing wells, canals and such other improvements as may be deemed needful by the Board for properly carrying on its business in pursuance of its powers as such Board; and the City of Austin is hereby invested with the right of eminent domain, to be exercised by said Board for the City of Austin, in the acquisition of any property necessary for the maintenance of said system, and shall have the power to improve, extend, add to or change said system under its control, as the Board may from time to time determine, and to dispose of all property not needed for the proper management of the plant and system.

ARTICLE 503. The said Commission shall have the power to employ and discharge at pleasure the persons necessary to successfully operate said water, light and power system, and to fix salaries and amounts of compensation each employe shall receive, with power to

reduce or change such compensation at its pleasure; and, when deemed necessary by it, to require of employes such bonds as may be deemed proper.

ARTICLE 504. That said Commission shall have the power and it shall be its duty to make and enforce all rules and regulations necessary for the protection of said property and the operation of said business, and to fix all rates and charges for water, light and power to be paid by all consumers; provided, that the charges to be paid for water by the city, and for the light and power for the public use, shall be as follows: For each fire hydrant, not more than thirty dollars per year; for each watering trough, not more than forty dollars per year; for flushing gutters and supply of public grounds and property with water, not more than one thousand dollars per year. For water used by the city for all other purposes, and for lights and power at a rate not to exceed one-half of the meter rates fixed from time to time for other consumers generally; and provided, that the rates charged by said Commission shall at no time be so high that the proceeds exceed in amount a sufficiency to pay interest and sinking fund on the water and light bonds of the City of Austin, operating expenses and general expenses deemed proper for the benefit of the system; and the Commission shall have the power and it is its duty to provide the method and fix the time when payment of rates and charges shall be made, and to receive and collect all money due from said system; and it may in its own name institute and conduct any suits in the courts having jurisdiction thereof for the collection of debts due it, for the recovery or protection of said property or for damages thereto; that said Commission shall keep a record of its proceedings and a list of rates, both of which shall be subject to inspection at all times during office hours; and it shall make report to the City Council quarterly, showing the revenues and expenditures had, made and contracted for during the last preceding three months, and at the end of each fiscal year a report showing additionally the condition of the system, the property, funds and securities which have come into its hands during said year and the disposition thereof; which report shall be audited under the direction of the City Council, and shall be published in such manner as the Council may direct.

ARTICLE 505. That the Commission shall, at the first meeting after each election and qualification of members of the Board elect one of their members president and another vice-president, who shall, unless they sooner vacate the same, hold their offices until the next meeting of the Board after the next election and qualification of members of said Board; and in case of vacancy in either position the Board shall elect from its members a member to fill such vacancy for the unexpired term.

Any three members of said Board shall constitute a quorum for the transaction of business in regular meeting and at least one regular meeting shall be held each month. The Board shall keep on file vouchers for all expenditures, and may prescribe such further rules for the conduct of its business as from time to time it may deem proper; provided, that no money shall be paid out except after appropriation made therefor at a regular meeting of said Commission; and provided, that the Treasurer shall only pay out money upon the draft against such appropriation of the president or vice-president, if, under the rules of the Commission he is acting for the president, and no other member of the Commission; and providing further that the revenue arising from the said water, light and power plant shall be applied by said Commission: First, to the payment of the current expenses of the business, and, second, to all reasonable improvements and additions to said system, and, third, the surplus shall be transferred by the Commission to the interest and sinking fund of the water and light bonds of the City of Austin. Such transfer to be made at least ten days prior to the time at which any installment of the interest or sinking fund shall become due and payable upon the water and light bonds of said city, toward the payment of which such surplus fund shall be applied, and it shall be the duty of said Commission at least thirty days prior to the annual levy of taxes by said city to report to the City Council an estimate of such surplus for the year for which taxes are to be levied.

ARTICLE 506. The said Commission shall have a seal with its name inscribed thereon, which shall be kept by the person designated by the Commission as secretary, and copies of all records and official books and accounts of the said Commission, certified under the hand of the president and attested by its secretary and seal, shall be admitted in evidence in all courts.

ARTICLE 507. The Commission may lease any surplus of power for such periods of time not exceeding twenty years and for such prices as it may deem expedient, subject always to the right of the city, the use of sufficient water to properly operate the plant; provided, that all contracts for the lease of such power or any part thereof shall contain stipulations fixing the time within which such power shall be used and for what purpose, and that the right to use the same shall be forfeited upon the failure to use the same within the time stipulated in such contract for the purpose therein specified, or for the abandonment of the usage of the same for a period to be specified in such contract, or for sub-leasing or assigning the same or parts thereof, or charging others for the use thereof without the written consent of said Commission, or for failure to pay for same at such time as may be fixed for the payment in such contract, and the contract shall provide that the Commission may

discontinue the supply of power to such lessees whenever in its discretion it may be necessary to do so, in order that said system may be properly operated; and such lessees shall not have a right of action against the City of Austin for any damages arising out of such discontinuance, but shall be entitled to a proportionate rebate on their contract price for such power.

ARTICLE 508. That it shall be unlawful for any Commissioner to be interested either directly or indirectly in any contract or transaction by said Commission with any person or persons or in the purchase of any material or supplies made by such Commission.

ARTICLE 509. If any person shall wilfully do or cause to be done any act whereby any work, material or property whatever, erected within or without the City of Austin, or used by the Board or by any person acting under its authority, for the purpose of securing or keeping a supply of water, light or power, shall be injured, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars and not exceeding two hundred dollars.

ARTICLE 510. That if any person without the written consent of the Commission, or its agents duly thereunto authorized, shall perforate, bore, or cause to be perforated or bored, any distributing pipe, main or aqueduct, or cut, remove or otherwise injure any pole or attachment to either, or shall wilfully injure any reservoir or other appliances or machinery used as a part of or in connection with the said water, light and power plant or system, or make or cause to be made any connection with said pipe, aqueduct or works or appliances, without such written authority previously obtained, the person so offending shall be guilty of a misdemeanor, and shall upon conviction thereof be punished by a fine of not less than ten dollars nor more than two hundred dollars.

ARTICLE 511. No prosecution herein provided shall preclude the Commission from recovering damages in any civil action.

CHAPTER XI.

THE CITY ALDERMEN.

ARTICLE 512. The local Alderman and the Alderman at large from the seven different wards of the city shall constitute a Board of Aldermen.

ARTICLE 513. Each Alderman, before entering upon the duties of his office, shall take the oath prescribed by the Constitution of the State of Texas.

ARTICLE 514. Each Alderman, in addition to his other qualifications as an officer of the city, shall have been a bona fide resident of the ward for which he is elected for the last thirty days preceding the

election, and before entering on the duties of his office the Alderman shall, in addition to the oath of office prescribed for all officers, take oath that he will faithfully discharge the duties of his office.

ARTICLE 515. If any Alderman, after his election, shall remove from the ward for which he was chosen, his office shall thereby become vacant.

ARTICLE 516. Should a vacancy in the office of Alderman of any ward occur by reason of his death, resignation, removal or expulsion, it shall be the duty of the Mayor to immediately order an election to fill such vacancy, first giving such notice as is required in cases of general elections in this city. And all such special elections shall be conducted in the same manner and under the same regulations and requirements as are provided in cases of general elections.

ARTICLE 517. Any Alderman knowing of any violation of duty on the part of any officer of the city shall promptly report the same in writing to the Mayor, except the offender be the Mayor, when he shall report same to the President of the Council, and a wilful failure or refusal to make such report shall constitute a high misdemeanor.

ARTICLE 518. Any Alderman knowingly voting for any appropriation whereby any debt shall be created in violation of the charter he shall be deemed guilty of a high misdemeanor.

CHAPTER XII.

OTHER OFFICERS OF THE CITY.

I. GENERALLY.

ARTICLE 519. The City Council, at the first regular meeting after every general election for Mayor and Aldermen of the City of Austin, shall proceed to elect such other officers, servants, agents and employes of the city as are authorized and may be required, and election of which is not otherwise prescribed, and shall fix the salaries of such other officers, servants, agents and employes of the city, when not otherwise provided for, which shall not be diminished during their terms; and such officers and employes may be suspended or removed for like causes and in like manner as other officers are.

II. POLICE FORCE.

ARTICLE 520. The police force of the City of Austin shall consist of the City Marshal, one Police Sergeant, six mounted policemen and nine footmen, two of said nine footmen shall be appointed as clerks, and of such other special policemen as are appointed under the ordinances, and as may from time to time be provided for by the Council.

ARTICLE 521. All policemen shall be qualified voters of and resident citizens in the State of Texas and City of Austin, and shall be men

of good moral character and sound physical condition; and also such other special policemen as may from time to time be deemed necessary to procure and maintain the good order, safety and peace of the city and its inhabitants; provided, that all special policemen shall possess the qualifications required of a regular policeman of the city. Police-men shall hold their office for the term of one year, and until their successors are chosen and qualified, unless sooner suspended by the Mayor and Marshal.

ARTICLE 522. The policemen shall be appointed by the Marshal and confirmed by the Council, but the right of confirmation shall not be held to give the right of substituting other names in the place of those nominated, nor shall a man once rejected be presented again within six months. Any policeman who shall take any part in any election, whether city, county, State or National, other than voting, shall forfeit his position, and the Council, upon proof, shall so declare, and the vacancy shall be filled as in case of first appointment.

ARTICLE 523. The City Marshal shall have the right to appoint from time to time from the regular policemen of the city a Police Sergeant, and prescribe the duties of such officer.

ARTICLE 524. The Police Sergeant shall receive a salary of ninety dollars per month, mounted policemen a salary of seventy-five dollars per month each, and footmen a salary of sixty-five dollars per month each, except the footman acting as day clerk, who shall receive a salary of eighty-five dollars per month.

ARTICLE 525. The Mayor and City Marshal of the City of Austin shall have power to appoint special policemen for said City of Austin.

ARTICLE 526. Said appointment of any special policemen shall be by written appointment and shall be concurred in by both the Mayor and City Marshal of the City of Austin.

ARTICLE 527. Said special policeman shall have the powers of a regular policeman of the City of Austin, but he shall, when making an arrest, on demand, exhibit his written appointment, and shall be, when on duty, under the direct supervision and control of the City Marshal.

ARTICLE 528. No special policeman, except when on regular duty in lieu of one of the regular policemen, shall draw any salary from the City of Austin for any services performed by said special policeman acting as such officer.

ARTICLE 529. The number of said special policemen that shall be appointed for the City of Austin shall not exceed ten, except as provided by the Council in cases of emergency, and the Mayor and City Marshal of the City of Austin shall have the right to revoke any and all commissions of appointment of special officers at any time without assigning reasons for revoking said commissions.

ARTICLE 530. No special officer appointed by the provisions of the preceding articles shall be permitted to carry arms except when actually on duty in the discharge of his duties as such special officer.

ARTICLE 531. Before entering upon their duties the Sergeant of Police and all policemen shall take the oath prescribed for city officers, and, in addition, an oath to obey all orders of their superior officers, and to enforce all laws and ordinances now or hereafter to be in force.

ARTICLE 532. The police force of the city shall at all times be under the command, control and supervision of the City Marshal, who shall be responsible for all their acts, and they shall at all times obey any order given by him. In event of the absence from the city, illness, or other inability of the City Marshal to act, the Sergeant of Police shall command, control and supervise the police force.

ARTICLE 533. The Marshal shall prescribe rules and regulations for the government of the police, and such rules and regulations, when approved by the Mayor and City Attorney, shall be printed and a copy furnished to the Sergeant of Police and each policeman for their guidance and instruction.

ARTICLE 534. It shall be the duty of the City Marshal to have the rules and regulations prescribed for the government of the city police force read to every member of the police force at least once each month; and it is further made the duty of the Marshal on such occasions to publicly instruct the members of said force as to their official duties under the State laws and city ordinances.

ARTICLE 535. The failure of the City Marshal to obey the provisions of this ordinance shall constitute malfeasance in office, and shall be good ground for his impeachment and removal from office; and no policeman shall be hereafter excused for any violation of his official duty, and particularly for failure to enforce the law and the city ordinances because of any claim that he is ignorant of the provisions thereof.

ARTICLE 536. The Sergeant of Police and all policemen shall be at all times when on duty orderly, prompt and polite.

ARTICLE 537. It shall be the duty of each and every policeman of this city at all times to preserve, to the best of his ability, order, peace and quiet, to enforce strict obedience to the laws of the State and the ordinances of this city, and to guard the public health; and each and every policeman of this city shall have power and authority, whether on duty or not, at or in any place in this city, to arrest, take charge of, confine or bring before the Recorder for trial, any and all persons in this city violating any law or ordinance whatever, or aiding or abetting any such violation, or being found under suspicious circumstances.

ARTICLE 538. Where any policeman is detailed to any special duty,

as in the health or other departments, or otherwise, he shall not thereby be relieved or deprived of his duties as a policeman while on or off such special duty, and these and all policemen must at all times, whether on duty or not, be prepared to act immediately if their services are required.

ARTICLE 539. It shall be the duty of any policeman, on the alarm of fire being given, to ring or cause to be rung the fire alarm bell of the city, or other bell, in such manner as is elsewhere provided for.

ARTICLE 540. Whenever an arrest is made and the party arrested shall have on or about his or her person any deadly weapon, or other property, or money, it shall be the duty of the officer making the arrest to take charge of the same and report and turn over the same to the Marshal, or other officer designated by the Council, who shall hold the same subject to any order the court may make.

ARTICLE 541. If any property so taken shall remain in the custody of the city for a period of six months without any lawful claimant therefor, the same shall be sold at public outcry by the City Marshal, after due notice, and the proceeds paid into the city treasury.

ARTICLE 542. It shall be the duty of any and all policemen of this city to see that free passage for persons, animals and vehicles is at all times preserved on the streets, pavements, or other public places in the city; to protect the rights of persons and property, and to assist, advise and protect children, females, emigrants, passengers and strangers.

ARTICLE 543. It shall be the duty of each and every policeman, or other officer of this city, on making an arrest, or becoming cognizant of any violation of law or ordinance in this city, to report the same, with a list of the witnesses for the city or State, at the earliest practicable moment, to the City Attorney, notwithstanding any extenuating or hindering circumstances whatever which may thereafter arise.

ARTICLE 544. Such number of policemen as may be deemed by the Mayor and City Marshal sufficient to effect a complete patrol of the city shall be mounted, and shall be kept on duty at night.

ARTICLE 545. Hereafter each and every street electric railway company incorporated and doing business within the City of Austin shall transport free of charge each and every regular policeman and each and every fireman of the City of Austin when on actual duty.

ARTICLE 546. The regulation uniform of the Chief of Police and all other police shall be as follows: Navy blue suits (sack coats), brass police buttons; that the pants or pantaloons shall have a white cord on the outer seam, and there shall be a white cord on and around the cuffs of the coat; that all footmen shall wear gray helmet hats with suitable police badge or emblem on the front thereof; that the mounted police shall wear gray helmets the same as those worn by the footmen, with

suitable cord and police badge in front; that all foot police shall at all times, when on duty, carry a "billy," and that each and all officers and police shall at all times be neat and clean in appearance.

ARTICLE 547. That every policeman of this city shall, and any citizen may, have a police whistle; and it shall be the duty of any policeman hearing any such whistle blown to go at once to the relief of the person blowing the same; but it shall not be lawful for any policeman or other person to blow any such whistle for any trivial cause, nor unless the presence of a policeman is actually necessary for the performance of some duty herein required. And any person who shall violate any of the provisions of this article shall, upon conviction, be fined not less than five nor more than one hundred dollars.

ARTICLE 548. The Sergeant of Police, or any policeman, shall be subject to immediate suspension and removal for any of the following causes, towit: (1) Any neglect of duty; (2) leaving his or their post; (3) disobedience to a superior officer; (4) drinking intoxicating liquors while on duty; (5) violation of police regulations; (6) insubordination or misconduct; (7) entering bawdy houses or places where intoxicating liquors are sold, except in the discharge of duty.

ARTICLE 549. Any police officer of the city, except the City Marshal, may be removed from office or suspended from duty by either the Mayor or the City Marshal for any cause deemed by the said Mayor or Marshal just and sufficient; but whenever any police officer is removed or suspended by virtue of the authority conferred in this ordinance the officer making such removal or suspension shall report his action to the next regular meeting of the City Council, and the Council shall thereupon by majority vote decide whether or not it will sustain the action of the Mayor or Marshal, as the case may be, in removing or suspending such policeman.

CHAPTER XIII.

DUAL OFFICE AND INTEREST IN CONTRACTS OF CITY PROHIBITED.

ARTICLE 550. No officer of the city shall during the term for which he is elected hold or be re-eligible to any other office under the city; nor shall any such officer, during his term of office, be interested in any manner, directly or indirectly, in any contract or agreement for work to be done or material furnished, or service to be performed, for which the city, directly or through any board or commission exercising authority on behalf of the city, is to pay a consideration; nor in any contract or agreement for work to be done after the expiration of his term of office, the authority for which was granted during the time he was such officer of the city; nor in the purchase or sale of any property by the city for any purpose whatever; and for the violation of any

part of this article the penalty shall be expulsion from office; on an affirmative vote of two-thirds of the whole Board of Aldermen; provided, that members of the Water, Light and Power Commission and Board of School Trustees shall be deemed city officers within the meaning of this section, as shall also all members of other boards created by or under the charter.

CHAPTER XIV.

SALARIES.

ARTICLE 551. The Mayor shall receive an annual salary of two thousand dollars.

ARTICLE 552. The City Marshal shall receive an annual salary of fifteen hundred dollars.

ARTICLE 553. The City Clerk shall receive an annual salary of twelve hundred dollars.

ARTICLE 554. The City Attorney shall receive an annual salary of fifteen hundred dollars.

ARTICLE 555. The City Assessor and Collector of Taxes shall receive an annual salary of seventeen hundred dollars, and he may employ an assistant at an annual salary of not exceeding eleven hundred dollars.

ARTICLE 556. The City Treasurer shall receive an annual salary of five dollars.

ARTICLE 557. The City Physician shall receive an annual salary of twelve hundred dollars.

ARTICLE 558. The City Engineer and ex-officio Street Commissioner shall receive an annual salary of twelve hundred dollars.

ARTICLE 559. Each Alderman shall receive as compensation five dollars for each regular meeting of the Council at which he is present, not to exceed ten dollars per month.

ARTICLE 560. The salaries of drivers of sanitary carts and of guttermen employed in the sanitary department are hereby fixed at forty-five dollars per month each.

ARTICLE 561. The salaries of drivers of trucks of Austin Hook and Ladder No. 1, Washington Hose Company No. 1, Colorado Hose Company No. 2, Protection Hose Company No. 3, East Austin Hose Company No. 4, South Austin Hose Company No. 5, North Austin Hose Company No. 6, West Austin Hose Company No. 7, and of the tillerman of Hook and Ladder Company No. 1 is hereby fixed at sixty dollars per month each.

ARTICLE 562. The Pound Master shall receive an annual salary of \$900; the Bridge Keeper an annual salary of \$720; the Sexton an

annual salary of \$275; the Sanitary Inspector an annual salary of \$900; the Matron of the Hospital an annual salary of \$600; the Porter of the City Hall an annual salary of \$480.

ARTICLE 563. The salary of the Sanitary Inspector shall be paid in equal monthly installments.

TITLE XXIII.

OFFICIAL BONDS.

CHAPTER I.

REGULATION OF.

ARTICLE 564. All official bonds which are, by ordinance, required to be approved by the Mayor, shall by him be presented to the City Council for their recommendation before they are approved. And the City Council shall, by a majority vote, determine whether or not the securities offered are sufficient.

ARTICLE 565. Any official or other bond required or permitted under this act may be made in any surety or guaranty company authorized to do business in this State.

TITLE XXIV.

ORDINANCES.

CHAPTER I.

ENACTMENT, ETC., REGULATED.

ARTICLE 566. The style of the ordinances of the city shall be "Be it ordained by the City Council of the City of Austin," placed at the commencement of the first section or article, and the succeeding sections or articles shall be simply numbered, and the matter thereof commenced thus: "Section" or "Article —," "That," etc., omitting the formula "Be it further." And the same rule shall apply to resolutions passed by the City Council, substituting "resolved" for "ordained," and the subsequent clauses or sections shall be simply numbered.

ARTICLE 567. Upon the passage of ordinances appropriating money, imposing taxes, increasing, leasing or abolishing licenses, and of ordinances for borrowing money, the yeas and nays shall be entered on the journal; but no ordinance for borrowing money shall pass except by a vote of two-thirds of the whole Council.

ARTICLE 568. All ordinances and resolutions of a general character shall be read in the Council on three separate days, unless two-thirds of the Council elected shall dispense therewith.

ARTICLE 569. A majority of the members of the whole Council shall be necessary to pass an ordinance for any purpose appropriating the sum of five hundred dollars or upwards or for passing an ordinance in anywise diminishing or increasing the city revenues.

ARTICLE 570. All ordinances and resolutions of a general character, adopted by the City Council, and all acts of the Council authorizing or making any contracts, grants or concessions, whether such an act be had or passed in response to petition or proposition, or in any manner whatsoever, and irrespective of form of such act, shall be subject to the veto of the Mayor.

ARTICLE 571. The Mayor may veto any one or more of the items in an appropriation ordinance, and approve the remainder.

ARTICLE 572. All ordinances, resolutions and acts of the Council, together with such papers as may pertain thereto, shall be placed in the office of the City Clerk, and if the Mayor approve thereof he shall endorse

the same "Approved," and sign his name to such endorsement, and thereupon such ordinances, resolutions and acts shall go into effect.

ARTICLE 573. If the Mayor shall fail to approve any such ordinance, resolution or act for a longer period than ten days after it shall be placed in the office of the City Clerk, it shall go into effect, unless he shall have within the said period signified his disapproval thereof, or of items of an appropriation ordinance, by writing objections thereto, filed with the City Clerk for the consideration of the City Council.

ARTICLE 574. The vote by which any ordinance, resolution or act so disapproved by the Mayor was passed shall be reconsidered by the City Council either at the next regular meeting thereof held after such disapproval is filed in the Clerk's office, or at any special meeting called earlier for that purpose, and after such reconsideration, two-thirds of the Aldermen elected agree to pass such ordinance, resolution or act, in items of an appropriation ordinance, it shall be in force, but not otherwise.

ARTICLE 575. Every ordinance imposing a penalty, fine, imprisonment or forfeiture for violation of the provisions shall, after the passage thereof, be published in every issue of a daily paper published in said city for ten days, and shall not take effect until such publication has been completed. The City Clerk shall note on such ordinances as are required to be published the fact that the same have been published as required by the charter, and the date of such publication, which shall be *prima facie* evidence of such publication; provided, that the provisions of this section shall not apply to revision and codification of the ordinances of the city, as the Council may from time to time adopt.

ARTICLE 576. All ordinances and resolutions shall take effect on being approved by the Mayor, or on the termination of the time allowed for vetoing ordinances without being vetoed, unless another time for taking effect be fixed for the ordinance or resolution.

ARTICLE 577. In case of a tie vote by the City Council the Mayor shall have the casting vote.

ARTICLE 578. No ordinance shall be repealed by any general terms, such as "coming in conflict with," "within the purview of" any subsequent ordinance; but in all cases the ordinance or article intended to be repealed shall be specifically mentioned by the title and the date of the same, or number of the article.

ARTICLE 579. No ordinance shall be amended by reference to its title and date, or number of the article, or by reference to the subject matter only, but the particular articles or sections designed to be amended shall be reordained at length, incorporating the amendments.

ARTICLE 580. No ordinance or resolution which has been repealed shall be revived by implication; that is to say, if an ordinance or reso-

lution be passed repealing a former ordinance or resolution, the repeal of the second or repealing ordinance or resolution shall in no case be construed to revive the first, unless there be express words in the last ordinance or resolution to that effect.

ARTICLE 581. Words used in ordinances and resolutions are to be construed in their common and usual signification, unless specially defined therein. Words in the past or present tense shall also include the future; the masculine gender shall include the feminine and neuter; the singular number shall include the plural, and the plural the singular. The word person includes a corporation as well as a natural person; the term writing includes printing or printed paper, or partly written or partly printed. The term Council means the City Council; and words descriptive of acts, duties or officers in general refer to such acts, duties and officers within or of the City of Austin.

ARTICLE 582. That no penal ordinance shall be passed unless the same shall have been written by the city attorney or under his direction, or certified by the City Attorney to be in due legal form.

ARTICLE 583. All ordinances of the City of Austin shall be and remain in the keeping of the City Clerk as custodian.

ARTICLE 584. The ordinances, resolutions and by-laws of the City Council may be proved prima facie by a book of printed ordinances of the city, appearing to be printed by the authority of the city, or by copies of ordinances certified by the City Clerk to be true copies of such ordinances or the record thereof.

ARTICLE 585. All cases of violation of the city ordinances shall be tried by the Mayor.

TITLE XXV.

PARKS—CITY.

CHAPTER I.

GENERALLY.

ARTICLE 586. Any person who shall in any manner injure or destroy any fence or gate, enclosing any public park or other enclosed ground of the City of Austin, or who shall open and leave open any such gate, or who shall depredate upon any such park or public ground by taking therefrom any wood or article of value, or who shall cut, destroy or in any manner injure any tree or shrub therein, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine not less than five nor more than fifty dollars.

ARTICLE 587. The Committee on Parks are hereby authorized and directed to place the enclosed parks and grounds of the city in charge of some suitable person or persons, with power to remove all animals depredating thereon, and to report the names of persons violating the provisions of this ordinance.

CHAPTER II.

PEASE PARK.

ARTICLE 588. The power and authority to supervise, manage and control the use of Pease Park is hereby vested in the Park Committee of the City Council.

ARTICLE 589. The City Council shall employ some person at a salary not to exceed forty dollars per month, whose duty it shall be to police and improve said park under the direction and control of said Park Committee; and the said person so selected and employed shall be sworn as a special policeman of the city and as such shall be charged with the special duty to exercise police supervision over said park and all property therein.

ARTICLE 590. Any person who shall wilfully destroy or injure any property of any character whatsoever situated in said park, or who shall in any manner conduct himself therein in violation of any rule prescribed by the Park Committee for the government of said park, or who shall resort to said park or be therein in violation of any rule which

may be prescribed by the Park Committee for the conduct or admission of persons into said park shall be fined not less than five, nor more than one hundred dollars.

ARTICLE 591. It shall hereafter be unlawful for any person to sell intoxicating liquors of any kind within the limits of Pease Park in the City of Austin.

ARTICLE 592. Any person violating the provision of the preceding article shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five nor more than one hundred dollars.

CHAPTER III.

BUILDING ON, PROHIBITED.

ARTICLE 593. It shall be unlawful for any person to construct or maintain, or to cause to be constructed or maintained any house, shed, fence or other structure on any park, square, or other ground within the corporate limits of the City of Austin, which is owned or controlled by said city, unless such person has previously obtained the consent of the City Council so to do.

ARTICLE 594. Each day on which said house, shed, or fence, or other structure shall be maintained in violation of the preceding article shall be a separate offense.

ARTICLE 595. Any person who shall violate the provisions of this ordinance shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined in any sum not less than one hundred dollars nor more than two hundred dollars.

TITLE XXVI.

PAWNBROKERS.

CHAPTER I.

REGULATING BUSINESS OF.

ARTICLE 596. Every pawnbroker, jeweler or person doing business as such in the City of Austin, or who may hereafter engage in such business, and every dealer in any character of second-hand goods, wares or merchandise whatever, shall keep a record book, in which he shall make accurate daily entries of any or all articles received by him in the course of his business, with a description of such articles; and he shall affix a number to each article so received by him, and shall make an entry of such number in his record book. He shall also make a record in said book of the name of the person or persons from whom he receives such article or articles. He shall also make an entry in such book of the disposition made by him of such article or articles, and, if sold, he shall state to whom sold and the price received therefor. Whenever any person shall offer for sale any second-hand article to any dealer above described, unless the said dealer is personally acquainted with such person so offering such article, the said dealer shall require such person to be identified before purchasing such article.

ARTICLE 597. The record books required to be kept under the above provisions shall at all times be open to the inspection of the City Marshal, Mayor, or other officer of the city; and it shall be the duty of the persons required to keep such record books to exhibit said record books to any officer aforesaid for inspection whenever demanded.

ARTICLE 598. If any pawnbroker or person engaged in business as such within the corporate limits of the City of Austin shall fail, neglect or refuse to comply with any of the provisions of the two preceding articles or with any of the ordinances of the city regulating pawnbrokers, he shall be fined not less than twenty-five nor more than one hundred dollars.

ARTICLE 599. That nothing contained in this title shall be construed as an attempt to release pawnbrokers doing business in this city from the duty of keeping such additional records as they are or may from time to time be required to keep under the laws of the State.

TITLE XXVII.

PLUMBING.

CHAPTER I.

EXAMINING AND SUPERVISING BOARD OF PLUMBERS.

ARTICLE 600. A board for the examination of plumbers, to be known as the Examining and Supervising Board of Plumbers, is hereby created. That said Board shall consist of the following five (5) persons: (1) The City Physician; (2) the City Engineer; (3) the Chief Plumbing Inspector; (4) a master plumber of not less than ten (10) years active and continuous business experience; (5) a journeyman plumber of not less than five (5) years active and continuous practical experience.

ARTICLE 601. The Mayor and City Council shall make said appointments, and the appointees shall serve for two years, or until their successors are elected and qualified. They shall fill all vacancies occurring in the Supervising Board of Plumbers, appointment to said vacancy to be for the unexpired term of the member whose place is filled.

ARTICLE 602. The Examining and Supervising Board of Plumbers herein created shall examine and pass upon all persons now engaged in the business of plumbing, whether as a master plumber, employing plumber or journeyman plumber, and all persons who may hereafter wish to engage in the business of plumbing as master plumber, employing plumber or journeyman plumber within their respective jurisdictions and also all persons who may apply for the office of plumbing inspector. They shall issue a license to such persons only as shall successfully pass a required examination. They shall also register in a book to be kept for that purpose the names and places of business of all persons to whom a plumbers' license is issued. They shall not license for more than one year, but the same shall be renewed from year to year upon proper application.

ARTICLE 603. Each applicant for examination for plumbers' license shall pay the sum of three dollars (\$3) for each master plumber examined, and the sum of two dollars (\$2) for each journeyman plumber examined, which fees shall be paid over to the Treasurer of the city. Members of the Examining and Supervising Board of Plumbers shall receive no compensation for their services on said Board. Said license

shall be non-transferable, and said examination and examination fee shall not be required of the same person more than once.

ARTICLE 604. In selecting the first or Chief Inspector of Plumbing, herein provided for, the Mayor shall act with the other four members of said Board above specified. After said Inspector of Plumbing shall have been chosen he shall become the fifth member of the Examining and Supervising Board of Plumbers in place of the Mayor.

ARTICLE 605. A license shall not be issued to any person or firm to carry on or work at the business of plumbing, or to act as inspector of plumbing, until he or they shall have first appeared before the Examining and Supervising Board for examination and registration, and shall have successfully passed the required examination. And no person or firm shall carry on or work at the business of plumbing until a license has been duly issued by the Examining and Supervising Board, as herein provided; provided, however, that this shall not apply to a person himself performing work in his own premises; in this last instance, however, if any person do so perform any plumbing work on his own premises, same shall be subject to inspection by the plumbing inspector, and shall conform to the sanitary rules and regulations laid down herein.

ARTICLE 606. The Examining and Supervising Board of Plumbers, a majority of same being present, shall recommend to the City Council two (2) or more plumbers who shall have passed the required examination for the office of Plumbing Inspector. The Council, at its next regular meeting, shall determine by ballot the one to serve for the ensuing term of two years, or until a successor is elected, whose duties shall be as hereinafter provided in this ordinance, and the ordinance which it amends, who shall receive as compensation for his services the sum of \$75 per month, to be paid by the City of Austin. The said inspector so selected shall have the proper qualifications of a plumber, and shall have stood the examination of a plumber.

Said Examining and Supervising Board shall meet upon call of the Plumbing Inspector and three members shall constitute a quorum.

CHAPTER II.

PLUMBING REGULATED.

ARTICLE 607. House drains within and to a distance of three feet outside the exterior wall of a building shall be heavy cast iron pipe, at least one-fourth inch thick, and no less than four inches in diameter, and laid in trenches of uniform grade, and where above ground shall be suspended to flooring by strong iron hangers or fastened to wall by strong iron hooks. They shall have a fall of not less than one in fifty towards outlet. All changes in line of pipe shall be made with regular

fittings and connections with horizontal pipes shall be with "Y" and sanitary tees except where branch is smaller than main.

ARTICLE 608. All soil pipe in buildings must be extra heavy cast iron pipe, up to the highest fixture, and from the highest fixture through roof; to be standard same size as drain. The joints to be packed with oakum and run with molten lead and be thoroughly caulked.

ARTICLE 609. All vent pipes must extend two feet above roof, or may, in case of no independent vent pipes, connect into soil pipes at not less than one foot above highest fixtures, and in no case shall any vent terminate in or be laid through a chimney flue, but wherever practicable must be laid up inside the house. They shall be run as direct as possible and forty-five degree ells used at all times.

ARTICLE 610. All connections of lead to iron shall be made of extra heavy brass or lead ferrules or brass solder nipples, caulked or screwed to the iron and wiped to the lead pipe. All wiped joints shall be made overcast, and not less than one and one-fourth inches long.

ARTICLE 611. All lead traps, bends and soil pipe shall be made of not less than six-pound lead per square foot for four-inch, and five pounds per square foot for smaller sizes.

ARTICLE 612. Each and every fixture having a waste pipe shall be separately and independently trapped with a water sealing trap, placed as near the fixture as practicable, and never more than two feet from the fixture it serves. Each and every trap shall be separately and independently protected from syphonage and air pressure by a special vent pipe, except when using half "S" traps by a circular vent branching into vent above the highest fixture or taken two feet above roof or to height as directed by Plumbing Inspector. Vent pipe for water closet shall be connected on the ferrule or lead bend at a joint just below the floor. No trap vent pipe shall be used as a waste or soil pipe. No waste from any fixtures shall be connected to the trap of any water closet.

ARTICLE 613. The size of the vent pipe for all fixtures having three-inch trap or over must not be smaller than two-inch for thirty feet, or less than three-inch pipe beyond thirty feet. A group of three or five water closets must not have less than three-inch vent, and above five must be the same size as soil pipe. All other vents shall not be less than one size smaller than the trap it serves, and increase one size up to two-inch for every thirty feet or addition of every two fixtures.

ARTICLE 614. All connections to vent pipes must be made with lead or brass pipes as provided in Articles 610 and 611.

ARTICLE 615. Vent pipes must in all cases be of galvanized wrought iron, cast iron or lead, except local vents of water closets, which may be galvanized sheet iron of approved construction. (No rubber vent connections shall be allowed.) Wrought iron pipe shall not be used as a

waste for any fixture. Waste pipes from all fixtures shall be of lead or cast iron and not less than the following sizes: For bath tubs, sinks, laundry tubs and urinals, two-inch; watering troughs or lavatories, one and one half inches; water closets, four-inch.

ARTICLE 616. Drip or overflow pipes from safes under water closets or other fixtures, or from tanks or cisterns, shall in no case be connected directly to the drainage system, but shall be run to some open place in plain sight. All urinals must have lead, slate, tile or marble safes, except where urinals are placed in yard over dirt floor. Wastes from refrigerators or other receptacles in which provisions are stored shall not be connected directly with the drainage system, but shall be arranged to waste in an open tray in plain sight below. This tray may be connected with the drainage system upon being properly trapped and vented like any other fixture. No sediment from boiler or drain from stop and waste cocks shall be connected with the sewer or house drain. No rain water pipes shall be connected to sewers or house drains; waste pipes from saloon fixtures or butcher shop fixtures, such as ice boxes, or fixtures of that kind, must run into a four-inch trap and be vented as provided in Article 613. This does not include plumbing fixtures as above enumerated, as bath tubs, sinks, laundry tubs, urinals, water troughs, lavatories and water closets. Floor drains from stables, wash houses, cellars, carriage houses or floor waste of any kind, when connected to a waste sewer system must first drain into a cesspool sink with four-inch trap underneath, ventilated the same as provided in Article 613. No steam exhaust will be allowed to connect with any drain or soil pipe. Soil or waste pipes placed in any building for future use shall be ventilated and subject to the the same rules in every respect as if intended for immediate use, and all the openings closed by screw plugs or caulked or soldered. All waste and other pipes passing through lead safes must be of lead or wiped into the safe. All joints on lead or between lead and brass must be wiped except basin cock couplings, which may be cupped.

ARTICLE 617. No soil, drain or vent pipes shall be covered or concealed from view until after the work has been tested, examined and approved by the inspector appointed for that purpose. The plumber shall notify the inspector in writing when the work is ready for inspection and the whole system of plumbing shall be prepared for the inspector or his assistant to make proper and thorough test of the same.

ARTICLE 618. Water closets shall be glazed earthenware in one piece or enameled iron, all exposed, the wooden work to consist of the seat only. In no case shall any woodwork casing be allowed. Every water closet shall be supplied with water from a separate tank or cistern, tanks or cisterns to be lined with not less than three-sheet lead, or

twelve-ounce tinned copper, five-gallon tanks for closets, except syphon jets and syphon wash-down, which shall have seven gallon tanks, all ball cocks in tanks shall be what is known as the high pressure or compound lever ball cock. All wooden water closet tanks must be lead lined and set not less than six feet (and more, if space allows) from the bottom of the tank to the floor. This does not exclude low down flush water closet combinations that insure a thorough and perfect flush in bowl. A compression stop cock must be put in supply pipe between floor and tank. No pan, plunger, long hopper, direct supply of any kind or closet having any unventilated space, or whose walls are not flushed at each discharge, shall be used. When not more than three closets are placed on one line in an outbuilding on the same floor, or a building not less than six feet away from the dwelling, then the trap or bend of said closets need not be separately vented, but the soil pipe must extend above the roof full size at one end of the line. When more than three closets are on the line of the soil pipe, said soil pipe must extend above roof at both ends of the line. When a closet is set twenty feet or more from the main stack or soil pipe, the four-inch soil pipe must be carried full sized above the roof or branch into the main stack above the highest fixture. When a closet is placed in an outbuilding less than six feet from a dwelling or in an addition to a dwelling, then the trap of said closet shall be vented as provided for in Arts. 609-615.

ARTICLE 619. Lead pipes for water supply must be not lighter than strong weight.

ARTICLE 620. No plumbing shall be commenced until the plumber has a plan and a permit for same has been obtained. Final inspection shall be made before the work is accepted by the owner. Should dispute arise between the Board and Inspector as to the Inspector's decision on any work said question shall be referred to the City Council, whose decision shall be final. Any work in construction contrary to ordinance shall be stopped and be made to conform with ordinance at once. All openings for wastes and vents in buildings must be closed and made gas tight. The gas company shall test all gas pipes in new buildings before same are covered. No plumbing fixtures shall be connected to the sewer system unless properly trapped, vented and inspected.

ARTICLE 621. After all the plumbing in any building is completed according to the foregoing rules and to the satisfaction of the Inspector, a certificate to this effect shall be given to the plumber doing the work. These rules to plumbers shall apply to all alterations or other work to be done in connection with plumbing or house drainage in old buildings, not including taking old fixtures and replacing with new ones, provided no pipes are disturbed (except minor repairs), the same as in new buildings, and minor repairs are construed as meaning repairs of leaks

in pipes, traps or cocks, opening of waste or supply pipes, traps or drains, and repairing broken fixtures and frozen pipes. There shall be three tests or inspections by the Inspectors, who shall be notified by the plumber, in writing, when ready, as follows:

First.—The sewer after it is laid and joined, and before it is covered.

Second.—The soil and vent pipes, as per rule governing same.

Third.—When all the fixtures are set.

ARTICLE 622. Every house or building within six blocks of Congress Avenue and between the river and Twelfth Street must be connected with the nearest sewer, if there is one in the street or alley adjoining said property, and any building not within the above limit must be connected with the sewer if there is one in the street or alley adjoining such house, and no surface closets shall be allowed, or permitted to be used within said limits. Two or more houses may be connected with one line to the main sewer, provided the City Inspector deems it advisable and safe to make said connection. No plumber or drain layer shall be permitted to connect two or more houses with one line without the permit of the City Plumbing Inspector.

ARTICLE 623. Drain and sewer pipe must be laid as direct as possible and to a uniform grade; all changes in line must be made with curved pipe, and all connections with the "Y" branches and one-eighth bends. Drain pipes must be laid at a sufficient depth to protect them from the frost and breakage.

ARTICLE 624. The house drains not entering into or underlying a building may be of salt-glazed vitrified stoneware pipe, laid so as to have a uniform space between the bell and spigot, the joints are to be made with gaskets, well caulked in, and finished with good fresh cement mortar, composed of equal parts of cement and clean, sharp sand, the joint to be carefully outwiped and well pointed on the inside. The inside of every drain, after it is laid, must be left smooth and perfectly clean throughout its entire length, and the pipe to be brought not nearer than three feet of the outside wall of the building.

ARTICLE 625. No steam exhaust or blow-off pipe from steam boiler shall be allowed to connect to any sewer pipes directly with the house drain. They shall discharge into a tank or condenser, the waste from which, after being condensed and suitably trapped, may enter the sewer. Subsoil drains from cellars may be connected with the sewer, but the connections must be made with the approval and under the supervision of the City Plumbing Inspector. Every such connection must be provided with a trap; also with a good metal strainer, with perforations not more than one-fourth of an inch in diameter and exposed to plain view.

Roof water, overflows from cisterns, etc., shall not be connected with the drains. The waste which shall enter the drain shall comprise:

1. Waste water from kitchen sinks.
2. Waste water from water closets.
3. Waste water from washstands and bath tubs.
4. Waste water from urinals.
5. Waste water from slop hoppers.
6. Waste water from factories, laundries, restaurants and other buildings, as the City Plumbing Inspector may consider admissible without detriment to the drain.

ARTICLE 626. Notice must be given at the office of said department twenty-four hours if required before any street or public way can be opened for the purpose of laying a private drain, or before any drain pipe can be extended from work previously done and accepted, or new connections of any kind be made with such work, unless otherwise permitted by the City Plumbing Inspector, and backfills must be made as provided by city ordinances in force at the time of making said excavations.

No work of laying drains can be commenced or continued unless the permit is on the ground in the hands of the drain layer, or some one employed by him.

In opening any street or public way all materials for paving or ballasting must be removed with the least possible injury or loss of same, and, together with the excavated materials from the trenches, must be placed where they will cause the least inconvenience to the public. As little as possible of the trench must be dug until the junction piece into the sewer is found.

ARTICLE 627. Whenever in the opinion of the City Engineer or authorized inspector the sides of the trenches will cave sheeting and braces must be used to prevent caving.

ARTICLE 628. The City Plumbing Inspector is to have at all times facilities for inspecting the work and materials while under the charge of the employing plumber, and, if required, no pipes or other materials for the drains can be used until they are examined by him.

ARTICLE 629. All work must be done in such manner and at such times as to interfere as little as possible with the public travel and convenience, and the employing plumber shall conduct his work for this object as the City Engineer or Plumbing Inspector may from time to time direct.

ARTICLE 630. No street, sidewalk or other public place shall be opened for any purpose with reference to said drains or sewers, without special written permit from the City Engineer, and a deposit sufficient to cover cost of relaying any paving removed shall be made with the City Clerk; provided, however, that this section shall not be construed to permit excavations on streets now or hereafter prohibited.

ARTICLE 631. The character of the materials used, their protection against injury, and the general arrangement of the work in reference to its security and safety are to be subject to approval by the City Plumbing Inspector and Engineer.

ARTICLE 632. The employing plumber shall faithfully observe all rules as adopted by the Plumbing Board, and shall not cover any of his work until it has been examined and approved by the Plumbing Inspector. None but faithful, skillful and experienced men shall be entrusted with any part of the work.

ARTICLE 633. All work in the street or other public place must be done in the best manner to protect the public against injury, and to secure good and satisfactory work. The department may, within six months, repair work which is unsatisfactory after three days' notice and collect same from the employing plumber doing the work.

ARTICLE 634. The least inclination that can be allowed for water closet, kitchen and all other drains shall be one foot in one hundred feet.

ARTICLE 635. The ends of all pipes not to be immediately connected with are to be securely stopped by brick and cement, or other water tight, imperishable materials.

ARTICLE 636. The back fillings over drains, after they are laid, must be puddled or solidly rammed, and together with the replacing of ballast and paving, must be done within forty-eight hours after completion of that part of the drain laying within the public way, and it must be done to the entire satisfaction of the City Engineer and Plumbing Inspector, and in accordance with ordinances of the city thus in force.

ARTICLE 637. Every employing plumber must close any opening which he may make in the public streets or ways with sufficient barriers, and must also maintain red lights at the same time at night, and must take all necessary precautions to guard the public effectually against all accidents from the beginning to the end of the work, and can only lay drains on condition that he shall use every precaution against accidents to persons, horses, vehicles or property of any kind.

ARTICLE 638. All private house drains shall be salt glazed, vitrified earthenware pipes of best quality, and not less than four inches in diameter.

ARTICLE 639. The Inspector of Plumbing and house drainage shall be under the control and direction of the Examining Board, and shall perform the duty of examining all plumbing and house drainage upon and in all buildings, public and private, within the City of Austin, and to see that all work is done in a thorough and workmanlike manner, and that all necessary safeguards are taken to prevent the leakage of sewer gas from the drain and soil pipes, under such regulations as may be from time to time adopted by the City Council. The Inspector of

Plumbing shall inspect all plumbing fixtures in the City of Austin once in each six months, and whenever he finds any such fixtures, whether in new or old buildings, that are in unsanitary condition, he shall at once notify the owner of such building, or his agent, to immediately put same in a sanitary condition, and unless same is done this fact shall be reported to the Examining and Supervising Board herein provided for, who shall examine same, and if they shall agree with the Plumbing Inspector that said fixtures of plumbing are in an unsanitary condition, they shall immediately notify the owner or agent of said building to repair the same and put same in a sanitary condition, and unless said owner complies within ten days with said directions of said Examining and Supervising Board, he shall be deemed guilty of a misdemeanor, and upon conviction in the Corporation Court shall be fined not less than five dollars (\$5) nor more than one hundred dollars (\$100).

ARTICLE 640. Any person wishing to do sewer or plumbing work must execute and deposit with the City Clerk a bond, approved by the Mayor, in the sum of one thousand dollars (\$1000), as a guarantee that he will comply with any existing city ordinances and pay fees and fines that may be assessed against him. It is understood that he shall be liable for any accident that may happen to person or property by reason of his neglect of any law, ordinance or rules relating to the work.

ARTICLE 641. Every plumber doing any plumbing work in the City of Austin must notify the Plumbing Inspector in writing, giving a complete description of the plumbing fixtures to be placed in the building and location of the same, name of the owner and street and house number, also give the name of the architect and contractor, if any.

ARTICLE 642. The fees for inspection shall be: For drain and one fixture, one dollar and fifty cents (\$1.50), and for every other additional fixture up to five in the building, the sum of seventy-five (75) cents each; all additional fixtures above five, fifty (50) cents each, which shall be paid by the plumber doing the work to the City Tax Collector, for which he shall issue a receipt and no permit shall be issued until such receipt is obtained from the City Tax Collector.

ARTICLE 643. The Plumbing Inspector shall not be interested in any plumbing shop, establishment or business during the time he is employed as Inspector by the city.

ARTICLE 644. In the event it is necessary in the construction of any plumbing work within this city for any contractor to do or perform work which is not specially provided for herein, he shall, before performing said work, obtain the approval of the Plumbing Inspector upon said work not herein specially provided for.

ARTICLE 645. Any person, firm or corporation, their agents or em-

ployes who shall do any of the things prohibited to be done by this ordinance or of the original ordinance which this ordinance amends, or shall fail to do any of the things required of such person, firm or corporation, their agents or employes, by the said ordinances, shall be deemed guilty of a misdemeanor, and shall upon conviction in the Corporation Court be fined not less than five (\$5) nor more than one hundred dollars (\$100), and if the defendant be a licensed plumber, such conviction shall work a forfeiture of his license, and he or they shall not thereafter be granted a license, except by a majority vote of the entire Council of the City of Austin.

TITLE XXVIII.

PRINTING, CITY.

CHAPTER I.

REGULATION OF.

ARTICLE 646. Contracts for the printing of the city shall be awarded by the Mayor and printing committee, under authority of the City Council, to the lowest and most responsible bidder, after advertisement for sealed proposals, as in cases of other contracts; but the right shall at all times be reserved to reject any and all bids; and any contract so awarded shall be subject to be revoked and annulled at any time by the City Council.

TITLE XXIX.

PUBLIC HEALTH.

CHAPTER I.

BOARD OF PUBLIC HEALTH.

ARTICLE 647. There shall be and is hereby created and established a board to be known as the Board of Health of the City of Austin.

ARTICLE 648. Said Board shall be composed of the Mayor of the City of Austin, City Physician of the City of Austin, the Sanitary Committee of the City Council of the City of Austin and five physicians who reside in the City of Austin.

ARTICLE 649. The said physicians, as members of said Board, shall be appointed by the Mayor of the City of Austin, and their term of office shall expire at the expiration of the Mayor's term of office who appointed them, and they shall receive no compensation for their services on said Board.

CHAPTER II.

SANITARY INSPECTOR.

ARTICLE 650. There shall be and is hereby created the office of Sanitary Inspector for the City of Austin.

ARTICLE 651. The Sanitary Inspector shall be elected by the City Council on nomination by the Mayor or any Alderman every two years at the time of the election of other officers by the Council, or as soon thereafter as practicable, and shall hold his office for two years and until his successor shall be elected and qualified.

ARTICLE 652. It shall be the duty of the Sanitary Inspector to see that all ordinances relating to sanitation and the cleanliness of streets and alleys and premises be strictly complied with and enforced; and it shall be his duty whenever it shall come to his knowledge that anything or state of things exists which is a nuisance or which is about to become a nuisance or injurious to the health of the City to notify the person causing such nuisance, or who may be responsible therefor, or who may control the property on which such nuisance or injurious state of things shall exist, to at once remove or abate the same; and should the person so notified fail to abate the nuisance complained of within twenty-four hours after receiving notification, it shall be the duty

of the Sanitary Inspector to make complaint against him before the Recorder and to attend and give evidence in the case.

ARTICLE 653. Whenever any nuisance has been declared to exist and the court has ordered the same to be abated, corrected or removed, and the author of such nuisance shall refuse to obey such order, the Recorder shall make an order directing the City Marshal to abate, correct or remove the same and the Marshal shall at once proceed to carry out such orders, calling such assistance as he may deem necessary and all costs accruing therein shall be taxed against the author of said nuisance and shall be collected as other costs.

ARTICLE 654. The word nuisance, as used in this connection, shall be understood to mean anything whatever that may be liable or about to become liable to affect the health or comfort of the people of the City of Austin, and it shall be the duty of the City Health Inspector to report as such all premises, houses, vaults, privies, sinks, stables, smoke-houses, lumber rooms, undrained ground, stagnant water, hog pens, barnyards, cemeteries, slaughter houses, hotels, boarding houses, restaurants, market houses, or stalls, streets, alleys, sidewalks or other grounds, houses or premises, and all pestilential, contagious or infectious diseases in man or animal, or whatever may, in his opinion, be liable to affect the health of the city, and he shall have power to condemn diseased or unhealthy animals, and shall give notice to the owners thereof that the same have been condemned.

ARTICLE 655. The Sanitary Inspector shall make personal inspection of all nuisances brought to his attention, and in every instance take active steps toward securing the immediate abatement of the same; and the City Council shall have the right to remove him from office for incompetency or for neglecting to order the abatement of nuisances or to give evidence against offenders.

ARTICLE 656. The Sanitary Inspector shall, as occasion seems to him to demand, make such reports and recommendations to the Council as are in his judgment demanded by the sanitary condition of the city; and whenever he shall need assistance in the proper performance of his duties, he shall call upon the Marshal, who shall provide him with such assistance as he shall need.

ARTICLE 657. All costs accruing out of prosecutions under the provisions of this title shall be paid by the offender, and each day's existence of a nuisance after notification shall be considered a separate offense.

CHAPTER III.

FOOD.

ARTICLE 658. Any person who shall sell, or offer for sale, any meat that has been subjected to confinement in close pens more than forty-eight (48) hours without food and water, shall be fined not less than twenty nor more than one hundred dollars.

ARTICLE 659. If the owner of any diseased or unhealthy animal shall slaughter, or cause the same to be slaughtered, he shall be deemed guilty of a misdemeanor, and shall be fined in any sum not less than fifty nor more than one hundred dollars.

ARTICLE 660. If any person shall sell, or offer for sale, any spoiled meat or other provisions not in sound condition, or shall knowingly sell the flesh of any animal dying otherwise than by slaughter, or slaughter when diseased, or shall sell any kind of corrupted, diseased or unwholesome substance, whether for food or drink, or to be offered by such seller for sale for food or drink, without labeling the same on the package, bundle, box or bottle, or other covering in plain words, "Unfit for food," if the same was originally intended for food, or "Unfit for drink," if the same was originally intended for drink, he shall be, on conviction, fined not less than twenty nor more than one hundred dollars; and further, if any person shall purchase any such labeled article, and shall remove such label and shall offer for sale or sell such article for food or drink, he shall be, on conviction, fined not less than twenty nor more than one hundred dollars.

ARTICLE 661. Whoever in this city shall sell, give away or otherwise dispose of any poisonous liquid, substance or compound, in quantities sufficient to cause death, without the certificate or prescription of a regular licensed physician in good standing, or shall fail to keep a record of the name of such physician, and of the party obtaining such poison, and for whom it is obtained, shall be deemed guilty of a misdemeanor and fined not less than ten nor more than one hundred dollars.

CHAPTER IV.

WATER, FOR USE AND STAGNANT.

ARTICLE 662. If any person shall wilfully throw or place, or cause to be thrown or placed, any carcass of any dead animal or person, or any filth, offal or other unsound or offensive animal or vegetable, or any other deleterious or filthy substance whatever, in any reservoir, pipe or aqueduct of said system, through which water for public or private use is conveyed, or shall throw or place, or cause to be thrown or placed in the Colorado River, or any of its branches, any such substance above

the city dam across the Colorado River within the city limits, or wilfully do, or cause to be done, any act to pollute said water, he shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars and not exceeding two hundred dollars.

ARTICLE 663. It shall be the duty of the owner, proprietor or person in charge of any boat house on said lake, or near the margin thereof, within the corporate limits of the City of Austin, to provide such boat house with a water closet or privy, secure against leakage, for the use of persons employed on or permitted in such boat house, and it shall also be the duty of such owner, proprietor or persons in charge to cause the contents of such closet or privy to be deposited on land at a place from which the drainage does not lead directly to said lake. Each day such boat house may be used without being provided with such closet or privy shall be deemed a separate offense.

ARTICLE 664. It shall be the duty of the owner, proprietor or person in charge of any boat used for the purpose of transporting passengers or freight, or as an excursion or pleasure boat on the waters of said lake, within the limits of the City of Austin, to provide such boat with a closet or other receptacle for the excrement and urine of the crew, passengers or other persons permitted on such boat, and it shall be unlawful for such owner, proprietor or person in charge of such boat to allow or permit the contents of such closet or receptacle to be emptied into the waters of said river at any point south of the mouth of Bull Creek, and any person violating this article shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than \$25 nor more than \$200 for each offense.

ARTICLE 665. It shall be unlawful for any person to throw, place or deposit, or to permit to be thrown, placed or deposited, any urine, excrement or sewerage matter in the waters of said lake, or on land at a place from which the drainage leads directly into said lake, within the corporate limits of the City of Austin.

ARTICLE 666. Any person who shall violate either of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five nor more than two hundred dollars.

ARTICLE 667. It is hereby made the duty of the Sanitary Inspector of the City of Austin to see that the provisions of this chapter are rigidly enforced, and to promptly make complaint against all persons who may violate the same.

ARTICLE 668. Whoever shall throw or deposit, or cause to be thrown or deposited, into any cistern, well, spring, fountain or other place containing water, anything whatever calculated to injure, poison or render

impure the water therein, shall on conviction be fined not less than five nor more than one hundred dollars.

ARTICLE 669. It shall be unlawful for any person within the corporate limits of the City of Austin to permit any cistern, barrel, cesspool, or any vessel containing water, or to permit any standing water on his premises, unless the same is screened with wire netting with the meshes thereof closely enough woven to prevent mosquitoes or other insects of that size from leaving said vessel or water, no matter in what it is contained, or, in the event the same is not screened, the same shall be oiled with kerosene oil once in each week, and, in case the same is a cesspool, to be both oiled and disinfected with carbolic acid or some other disinfectant approved by the Sanitary Inspector of the City of Austin, at least once in each week, and any person, firm or corporation violating the provisions hereof shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than five dollars nor more than one hundred dollars.

ARTICLE 670. For the purpose of maintaining better health in the City of Austin, and for the purpose of preventing stagnant water standing in the streets of the City of Austin, and for the purpose of protecting the people and the streets of the City of Austin, and for the purpose of having the streets properly drained, it is made the duty of the City Sanitary Inspector and his employes, and of each and every policeman in the City of Austin to observe from time to time the culverts at the intersections of streets and alleys of the City of Austin and to report in writing when any culvert or ditch at any intersection of any street is stopped up or closed up by trash or otherwise.

ARTICLE 671. It shall be the duty of the Police Clerk of the City of Austin to keep a book for the purpose of recording the reports of such officers on the condition of such culverts and drains, and it shall be the duty of such officer so reporting to report the same in writing and to place the same in writing on said book kept for such purpose; and when such report is so made in writing, it shall be reported to the City Engineer of the City of Austin, and when said condition so reported is relieved the same shall be checked off and an entry be made of the date that said culvert, drain or other work was corrected or repaired.

ARTICLE 672. If any person in this city shall permit or allow any stagnant water to accumulate or remain on any premises owned by him, or controlled by him as agent, tenant or otherwise, he shall be deemed guilty of a nuisance, and on conviction before the Recorder's Court shall be fined in any sum not less than ten dollars nor more than one hundred dollars.

ARTICLE 673. The preceding article shall not apply where such water

accumulates without any neglect or fault of such owner, agent or occupant.

CHAPTER V.

TRASH, ETC.

ARTICLE 674. If any person in this city shall sweep, throw or deposit in any street, alley, sidewalk, gutter, creek, or branch any of the sweepings or cleanings of dwelling houses, stores and other premises of all kinds, or any rags, paper, rubbish or refuse matter of any kind whatsoever, or shall cause the same to be done by another, he shall be deemed guilty of a nuisance, and on conviction thereof before the Recorder's Court be fined in any sum not less than ten dollars nor more than one hundred dollars.

ARTICLE 675. Each owner, lessee, renter or person in possession of any business or residence premises in the City of Austin shall deposit, or cause to be deposited, all ordinary refuse, trash and sweepings from such premises in movable receptacles placed in the alley adjacent to such premises, or, if there be no adjacent alley, on the outside of the sidewalk adjacent to such premises, convenient to be taken off by the scavenger carts at such time as may be directed by the Sanitary Inspector.

ARTICLE 676. Any person who shall violate any of the provisions of the preceding article shall be deemed guilty of a nuisance, and upon conviction thereof shall be fined in any sum not less than five dollars or more than twenty-five dollars; provided, that tree tops and manure shall not be deemed to be refuse, trash or sweepings within the meaning thereof.

ARTICLE 677. If any person in this city shall throw, place or deposit, or shall cause to be thrown, placed or deposited in any street, alley, square, sidewalk, gutter, creek, branch or lot, or in any other place or premises, the carcass of any dead animal, or any dead fowl, or any putrid or unsound meat of any kind; or any fish, hides, skins, melon rinds, vegetables or bones; or any offal, dung or filth of any kind; or any slop, dishwater, waste water, or any unsound or offensive matter of any kind, or any matter liable to become offensive; or shall permit any such matter to remain on or about any premises owned by him or controlled by him as agent, tenant or otherwise; or shall permit the same to remain in or upon the street, alley or sidewalk adjoining any premises owned by him or controlled by him as agent, tenant or otherwise, he shall be deemed guilty of a nuisance, and on conviction thereof before the Recorder's Court shall be fined in any sum not less than ten dollars nor more than one hundred dollars.

ARTICLE 678. If any person in this city shall cause or permit the water or any liquid matter from any livery stable, drug store, saloon,

soda fountain, bath house, barber shop, printing office, photograph gallery, or from any dwelling house, store or manufactory, or from any building or establishment of any character whatsoever to run and be discharged in and upon any street, alley, sidewalk or gutter of this city by any pipe or conduit or by any other means, he shall be deemed guilty of a nuisance, and on conviction before the Recorder's Court shall be fined in any sum not less than ten dollars nor more than one hundred dollars.

ARTICLE 679. The preceding article shall not apply to water not offensive in paved gutters, nor to water in yards or gardens attached to dwellings, nor to water coming from private bath houses, unless the same shall become offensive.

CHAPTER VI.

UNCLEAN PREMISES, ETC.

ARTICLE 680. If any person in this city shall carry on or cause to be carried on any trade, business or profession which is dangerous or injurious to the health of this city, or any of the citizens thereof, or shall suffer or allow anything or state of things to exist on any premises owned by him or controlled by him as agent, tenant or otherwise, liable to produce like results, he shall be deemed guilty of maintaining a nuisance and on conviction before the Recorder's Court shall be fined in any sum not less than ten dollars nor more than one hundred dollars.

ARTICLE 681. If any person in this city shall keep or cause or allow to be kept any premises owned by him or controlled by him as agent, tenant or otherwise in such manner and condition as to be unhealthy or offensive to others, he shall be deemed guilty of a nuisance, and on conviction before the Recorder's Court shall be fined in any sum not less than ten dollars nor more than one hundred dollars.

ARTICLE 682. If any person in this city shall keep or cause or allow to be kept any lot, pen, place or premises owned by him or controlled by him as agent, tenant or otherwise, in which hogs or other animals are kept, in such manner and condition as to be offensive or injurious to the health of others, he shall be deemed guilty of a nuisance, and on conviction before the Recorder's Court shall be fined in any sum not less than ten dollars nor more than one hundred dollars.

ARTICLE 683. If any person in this city shall keep, or cause to be kept, any distillery, tannery, brewery, tallow-chandler's, soap-boiler's, dyer's, or other establishment, hotel, eating house, restaurant, boarding house, ordinary, drinking saloon, beer saloon, livery stable, or other establishment or premises, in such manner as to be unhealthy or offensive; or in such manner as to produce offensive odors, or

in such manner as to discharge any foul, nauseous, offensive or unwholesome liquid or substance into any street, alley, gutter, lot or other adjacent ground, public or private, he shall be deemed guilty of a nuisance, and on conviction before the Recorder's Court shall be fined in any sum not less than ten dollars nor more than one hundred dollars.

ARTICLE 684. It shall not be lawful for any person to establish any slaughter house in this city, or to slaughter any animal for butcher's meat within the limits of this city, except for the use of the person so slaughtering. And any person who shall violate any of the provisions of this article shall, on conviction thereof, be fined not less than ten or more than one hundred dollars for each and every offense.

ARTICLE 685. It shall be unlawful for any person to cure green hides or poison dry hides within the limits of the City of Austin.

ARTICLE 686. Any person who shall violate the provisions of the preceding article shall be deemed guilty of a misdemeanor, and on conviction thereof fined not less than five nor more than one hundred dollars.

ARTICLE 687. Whoever shall wash horses or vehicles in any public place, so as to obstruct, render unclean or interfere with the free use of the same, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than five nor more than one hundred dollars.

ARTICLE 688. If any person in this city shall allow or permit any horse, ox or other animal owned, controlled or kept by him and which has come to its death by drowning, disease or otherwise, to lie upon the bank of the river, or other stream, or in and upon any street, alley, square, lot or other ground, either public or private, he shall be deemed guilty of a nuisance, and on conviction thereof before the Recorder's Court shall be fined in any sum not less than ten dollars nor more than one hundred dollars.

ARTICLE 689. If any person in this city shall keep, or allow to be kept, on any premises owned by him or controlled by him as agent, tenant or otherwise, any privy, vault or sink in such manner as to be unhealthy or offensive to any person whomsoever; or in such manner as to produce offensive smells; or shall fail or refuse to obey any directions of the health officers of the city relative thereto, he shall be deemed guilty of a nuisance and on conviction thereof before the Recorder's Court shall be fined in any sum not less than ten dollars nor more than one hundred dollars.

ARTICLE 690. If any person in this city shall put up or use or cause to be put up or used for any privy, vault or sink on any premises owned by him or controlled by him as agent, tenant, or otherwise, upon the boun-

dary line between such premises and other premises not owned and controlled by him, without the consent of the owner of such other premises, or upon the boundary line of any street, square or other public place; or at a less distance than three feet from the boundary line of any alley, he shall be deemed guilty of a nuisance, and on conviction thereof before the Recorder's Court shall be fined in any sum not less than ten dollars nor more than one hundred dollars.

ARTICLE 691. When it becomes necessary, in the opinion of the City Physician, for the preservation of health or the prevention of disease, to use any disinfectant, or to use any other precaution therefor, the Mayor may, by consent of the Council, order the same to be done, and it shall be deemed a misdemeanor for any person in this city to fail or refuse to obey such order.

ARTICLE 692. Between March 1st and December 1st of each and every year disinfectants or dry earth shall be used in every privy, vault or sink, at least once in each week, and in all other places when directed by the City Physician as often as may be required.

ARTICLE 693. If any person in this city shall, after receiving notice that any house, privy or premises of any kind owned by him or under his control as agent, tenant or otherwise, is in an unclean or unhealthy condition, fail or refuse to place the same in such sanitary condition as may be prescribed by the City Physician or City Council within five days from the date of such notice, he shall be deemed guilty of maintaining a nuisance, and on conviction thereof before the Recorder's Court shall be fined in any sum not less than ten dollars nor more than one hundred dollars.

CHAPTER VII.

REMOVAL OF FILTH, ETC.

ARTICLE 694. If any person in this city shall remove any box, tub or other thing containing the contents of any privy, vault or sink or remove the contents of any privy vault or sink, except in accordance with the regulations prescribed by the City Physician or by the City Council, or in such manner as to be offensive to any person whomsoever, he shall be deemed guilty of a nuisance, and on conviction before the Recorder's Court shall be fined in any sum not less than ten dollars nor more than one hundred dollars.

ARTICLE 695. It shall not be lawful for any person in this city to clean out or remove the contents of any privy, vault, sink or other place of deposit of like character, unless such work be done between the hours of twelve o'clock at night and four o'clock in the morning, and shall use an odorless apparatus therefor, and any person violating

the provisions of this ordinance shall on conviction be fined not less than five nor more than one hundred dollars.

ARTICLE 696. If any person in this city shall deposit, or cause to be deposited, the contents of any privy, vault or sink, or the offensive rubbish and refuse matter from any premises whatsoever, in any street, alley, sidewalk, gutter, creek, branch, lot, square or other place, private or public, within the limits of the city or within four hundred yards of the limits of the city, he shall be deemed guilty of a nuisance, and on conviction thereof before the Recorder's Court, shall be fined in any sum not less than ten dollars nor more than one hundred dollars.

ARTICLE 697. It shall be unlawful for any person to move slops and swills in carts, wagons or other vehicles in the City of Austin between the hours of 6 o'clock a. m. and 8 o'clock p. m.; provided, that this ordinance shall not apply to persons hauling such slops in odorless tanks at any time of the day. Any person violating any of the provisions hereof shall be deemed guilty of a misdemeanor, and shall be fined not less than five nor more than one hundred dollars.

ARTICLE 698. If any person in this city shall deposit, place or leave or cause to be deposited or placed or left, the carcass of any dead animal within one thousand yards of the limits of this city; or shall deposit, or cause to be deposited, in the Colorado River above the city, or at any point in said river less than one thousand yards below the limits of the city, or shall fail to bury the same when so carried beyond the city limits, he shall be deemed guilty of a nuisance and on conviction before the Recorder's Court shall be fined in any sum not less than ten dollars nor more than one hundred dollars.

ARTICLE 699. It shall be the duty of the City Physician or other proper officer of the city, to cause the removal and burial at the expense of the city of all carcasses of dead animals, the owner of which can not be ascertained.

CHAPTER VIII.

PIGEONS.

ARTICLE 700. It shall not be lawful for any person or persons owning or controlling pigeons within the corporate limits of the City of Austin, to suffer or allow the same to go at large within said limits.

ARTICLE 701. Any person or persons violating the preceding article shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in a sum of not less than five nor more than one hundred dollars.

CHAPTER IX.

SCHOOLS, PUBLIC AND PRIVATE—SANITARY REGULATIONS OF SAME.

ARTICLE 702. It shall be and it is hereby made the duty of the City Marshal to make, or cause to be made, a careful inspection of the vaults, sinks, privies and water closets attached to or used by all schools, both public and private, within the City of Austin, at least once in every thirty days during the time such schools are in session.

ARTICLE 703. It shall be the duty of the City Marshal to require that all such vaults, sinks, privies and water closets shall at all times be kept in a clean and healthy condition, and that no accumulation of filth be permitted.

ARTICLE 704. The said City Marshal shall, when necessary, prescribe and require the use of dry earth, disinfectants and such other means as he may deem advisable to prevent the generation of disease in any such vault, sink, privy or water closet.

ARTICLE 705. When any vault, sink, privy or water closet belonging to or used by any public school is found to be in an unclean and unhealthy condition, it shall be the duty of the City Marshal to immediately give notice thereof to the principal, or teacher, or person in charge of such school, and if the same shall not be placed in a clean and healthy condition within three days after such notice, then it shall be the duty of the City Marshal to give official notice of such fact to the board of trustees of the public schools, through the president of such board; and, if the same shall not be placed in a clean and healthy condition within three days after such notice to the board of trustees, then the City Marshal shall make due report thereof to the City Council.

ARTICLE 706. When any vault, sink, privy or water closet belonging to or used by any private school or institute of learning is found to be in an unclean or unhealthy condition, it shall be the duty of the City Marshal to immediately give notice thereof to the president, principal, proprietor, teacher or person in charge of such school or institute, and if the same shall not be placed in a clean and healthy condition within three days after such notice, then it shall be the duty of the City Marshal to make due report thereof to the City Council.

ARTICLE 707. The provisions of this chapter shall in no manner supersede or repeal any ordinance or the provisions of any ordinance of this city defining and punishing nuisances, but this chapter shall be cumulative of the remedies provided in such ordinances.

CHAPTER X.

DISEASE, CONTAGIOUS.

I. GENERALLY.

ARTICLE 708. It shall be the duty of the City Physician whenever he is informed of the existence of any pestilential, contagious or infectious disease within the city, to cause the person or persons so diseased to be taken to such place as he may designate, away from all probable danger of communication, for treatment; and such place shall become a pest house, and shall be under the exclusive control of the City Physician, who shall issue such orders as will, if possible, prevent the spread of such disease.

ARTICLE 709. When any case of scarlet fever, diphtheria, or other malignant disease of like character shall exist in this city, it shall be the duty of the City Physician to immediately take charge and control of such case, and to isolate the person or persons affected with such disease. To effect such isolation, it shall be the duty of the City Physician to declare the house or residence occupied by such person to be infected, and he shall cause a red flag, or other like token of warning, to be placed in front of such house or residence, and no communication with such house or residence shall be permitted, and the same shall be and remain in a state of quarantine until all danger of infection or spread of such disease shall be past. No person shall, under any pretext whatever, be permitted to leave such house, residence or premises; and no person shall be permitted to enter the same while such disease exists therein. The City Physician shall have general charge and control of such cases, and the same shall be subject to his orders and direction as to all matters covered by this ordinance. It shall be the duty of the City Physician to see that all houses, residences and premises where such disease has existed, shall be thoroughly disinfected and fumigated, and he shall adopt all measures necessary to abate and prevent the spread of the disease; and shall have power to call on the City Marshal for aid and assistance when necessary.

ARTICLE 710. The provisions of this ordinance shall not apply to physicians, nurses and persons who have changed their infected clothing and undergone proper cleansing and disinfection, as required by the City Physician, whose duty it shall be to prescribe and enforce such measures as are usually observed in the prevention of the spread of contagious and infectious diseases; and provided, that this ordinance shall not apply to the State Health Officer, except as to disinfection.

ARTICLE 711. It shall be the duty of all practitioners of medicine or surgery, who may be called to visit any person or persons whatever, affected with any contagious or infectious disease; or any nurse, or

head of family, who may have any such cases not under care of physician, under their supervision, to report to the City Physician all such cases at once; whose duty, it shall be to enter all such cases, name, age, sex, nature of disease, and other facts of interest, in a record book kept for that purpose, and immediately enforce the provisions of this ordinance.

ARTICLE 712. It shall be the duty of every physician, hotel keeper or other person in this city to report at once to the City Physician any case of pestilential, contagious or infectious disease which may in any manner come to his knowledge.

ARTICLE 713. It is hereby made the duty of the City Physician himself to observe the same precaution herein indicated for others, by changing his clothing and using necessary measures of disinfection.

ARTICLE 714. If any person, after any house, residence or premises has been by the City Physician declared infected and placed under quarantine, because of the existence of scarlet fever, diphtheria or other like malignant disease, shall leave such house, residence or premises and mingle with the people of this city; or if any person not a member of the family, residing in such house, residence or premises, shall knowingly enter such house, residence or premises where such disease exists; or if any person shall refuse to obey the orders of the City Physician in such cases, or shall resist the City Physician in the discharge of his duties under the provisions of this ordinance, he shall, on conviction in the Recorder's Court, be fined not less than five nor more than one hundred dollars.

ARTICLE 715. This chapter, except the succeeding article, shall not apply to cases of smallpox.

ARTICLE 716. That it shall not be lawful for the owner, driver, conductor or person in charge of any engine, car, train, stage, carriage or other vehicle whatever, to bring to or transport within this city any person afflicted with any pestilential, contagious or infectious disease, or any property whatever infected with the same, and any person violating the provisions of this article shall, on conviction, be fined not less than five nor more than one hundred dollars.

II. SMALLPOX.

ARTICLE 717. It is hereby made the duty of the City Physician to at once establish a pest house at some place by him deemed suitable for the purpose, and to so arrange the same that persons therein confined may be properly treated and cared for and not suffer unreasonable exposure to the weather.

ARTICLE 718. It shall be the duty of the City Physician, whenever in his judgment the safety of the public health may require, to remove all persons in the city of Austin who may be affected with

smallpox to such pest house, and confine them in the same so long as may be necessary to prevent the spread of such disease, and the City Physician is hereby fully authorized and empowered to make such rules and regulations for the government of such pest house and persons therein confined, as in his judgment will subserve the public health, and he is hereby authorized to call on the City Marshal and the police force of the city for such assistance as he may require to effectively execute the provisions hereof.

ARTICLE 719. The City Physician is hereby authorized and empowered to enter into and upon any and all premises situated within the corporate limits of the City of Austin, whenever he shall suspect that smallpox is concealed or exists therein or thereon; and any person who shall oppose or in any way obstruct or interfere with the right of said officer to enter into or upon such premises for the purpose of inspecting same or who shall fail or refuse to forthwith disinfect and clean up premises owned or possessed by him to the satisfaction of said officer, after smallpox has been discovered thereon or therein, shall be fined not less than five nor more than one hundred dollars.

ARTICLE 720. It is hereby made the duty of each and every physician practicing his profession within the corporate limits of the City of Austin to forthwith report to the City Physician each case of smallpox that may come to his knowledge, and the failure of any such physician to at once report each and every case to the City Physician shall constitute a misdemeanor for which each physician so failing to report shall be fined not less than twenty-five nor more than two hundred dollars.

CHAPTER XI.

HOSPITALS.

ARTICLE 721. The City Council may, at any time, order the establishment of one or more hospitals for the treatment of the sick or disabled, and make, or authorize the City Physician to make, such rules and regulations for the management of the same as may be or become necessary, and may prescribe fees and dues for the reception and keeping of patients therein.

ARTICLE 722. The City Physician, under rules to be prescribed by the Board of Trustees of the City and County Hospital, shall have general control and supervision of the hospital and its officers, employes and inmates, and it shall be his duty to visit the patients therein at least once each week. He shall have authority, with the written approval of the Mayor, to send to the hospital any sick or disabled persons who are unable to pay for treatment, for treatment free of charge; provided, that none but bona fide residents of the City of Austin or Travis

County shall be admitted to the hospital for treatment, except in cases of emergency.

ARTICLE 723. All hospital fees and dues shall be set aside as a hospital fund, and the Treasurer shall keep a separate account of the same.

ARTICLE 724. All hospitals shall at all times be open to the inspection of the Mayor or any member of the City Council.

ARTICLE 725. No hospital, public or private, shall at any time be established within the limits of this city without the permission of the City Council, expressed by resolution spread upon the journals, and any person violating this article shall be deemed guilty of a misdemeanor for every day the same may remain.

ARTICLE 726. That all sums of money hereafter appropriated by the City Council for hospital purposes shall be set aside by the City Treasurer as a special fund, to be paid out on drafts or orders drawn against the same by the President of the Board of Trustees of the City and County Hospital.

ARTICLE 727. Block number one hundred and sixty-six and one-half (166½), in the City of Austin, together with the buildings and improvements thereon, and to be placed thereon, is hereby set apart and dedicated as a "City and County Hospital," for the reception and treatment of sick and disabled persons.

ARTICLE 728. The general management, control and direction of the affairs of said hospital, shall be vested in a Board of Trustees, to be styled "the Board of Trustees of the City and County Hospital," and to consist of three members, one of whom shall be elected by the City Council of the City of Austin, one by the County Commissioners Court of Travis County, and one jointly by said City Council and said County Commissioners Court. Said Trustees shall hold their offices for the term of two years, and until their successors are appointed and qualified. They shall take and subscribe to the oath of office, prescribed by law, and shall organize by electing one of their members to be president of the Board; provided that so long as the city remains in exclusive charge of the City and County Hospital the same shall be under the control of the Committee on Hospital of the City Council, and they shall manage the same under the same rules as are herein prescribed for the government of such hospital by a board of trustees.

ARTICLE 729. The Board of Trustees shall prescribe and adopt all necessary by-laws, rules and regulations for the government of said hospital, its officers and employes and inmates, and shall prescribe and adopt rules and regulations for the admission of applicants to said hospital; provided, that no person afflicted with any contagious or infectious diseases shall ever be received into said hospital; and provided further, that the Board of Trustees shall, at its first regular meeting,

and every three months thereafter, submit to the City Council an estimate of the amount of money necessary to support said hospital, to be used as a basis of appropriation.

ARTICLE 730. The Board of Trustees shall prescribe and fix the dues and fees of persons admitted to said hospital, and the City Physician may, with the written approval of the Mayor, send thereto any sick or disabled persons who are unable to pay for treatment, free of charge; provided, that the County of Travis shall have the like rights and privileges; and provided further, that no person not a citizen of the City of Austin or of Travis County shall be admitted to the hospital for treatment, except in cases of emergency.

ARTICLE 731. All hospital dues and fees shall be collected under the regulations to be prescribed by the Board of Trustees, and the same shall be set aside as a hospital fund, and the City Treasurer shall keep a separate account of the same.

ARTICLE 732. All purchases of medicine, provisions and supplies for the hospital shall be made under the direction of the resident physician of the hospital, for such length of time and under such regulations as the Board of Trustees may prescribe.

ARTICLE 733. A report, containing an itemized account of all receipts and expenditures of money, and of all purchases made, accompanied by proper vouchers, shall be made to the City Council by the Board of Trustees once every three months, at the meeting of said Council held on the first Mondays in January, April, July and October; provided, that the city shall in no event be liable for more than one-half of the expenses of said hospital.

ARTICLE 734. The City Council shall at the first regular meeting after each regular election of Mayor elect a Resident Physician of the City and County Hospital, the which shall be under his immediate care and control. He shall be a resident citizen and voter of the State of Texas and the City of Austin, and a practicing physician in good standing. He shall reside at, or adjacent to, and shall have charge of the City and County Hospital, under the superintendence of the City Physician and the Hospital Committee of the City Council, and shall discharge such duties as may devolve upon him under the ordinances relating to said hospital. He shall hold his office for the term of two years and until his successor is chosen and qualified, and shall receive an annual salary of six hundred dollars payable in equal monthly instalments.

ARTICLE 735. The City Council shall, at the first regular meeting after each regular election of Mayor, proceed to designate a Matron of the City and County Hospital; who shall hold her office for two years, and until her successor is qualified, and the City Council shall also designate such other employes as may be necessary to carry on the busi-

ness of the city, whose terms of service and compensation shall be fixed and duties prescribed by the ordinances providing for their appointment.

ARTICLE 736. The Resident Physician of the City and County Hospital shall be charged with the care and management of the medicine and supplies of the hospital, and shall visit each patient therein at least once each day. He shall make weekly reports to the City Physician of the condition of the hospital and the patients therein, and suggest such changes and amendments of the rules and regulations as may, in his judgment, be necessary or beneficial.

ARTICLE 737. The Matron of the hospital shall be a person competent to perform the duties required of her, and shall perform such duties as are usually required of matrons of such institutions. She shall receive an annual salary of six hundred dollars, payable in equal monthly payments.

ARTICLE 738. Such other employes and assistants as may be necessary for the proper management and conduct of the hospital may be provided from time to time by the City Council, on the recommendation of the City Physician, and their compensation and terms of employment fixed.

TITLE XXX.

PUBLIC PLACE.

CHAPTER I.

DEFINITION.

ARTICLE 739. A public place within the meaning of the ordinances of this city is any public street, alley, square, highway, grounds, house or premises; or any hotel, restaurant, boarding house, grocery, saloon, garden, workshop, or other place, or part of the same, to which people usually resort, or have a right to resort for business or pleasure.

TITLE XXXI.

PUBLIC SAFETY AND MORALITY.

CHAPTER I.

REGULATION OF.

ARTICLE 740. Whoever shall, in this city, blast or cause to be blasted, any rock, earth or other material, without having the same, at the time of setting off the blast covered on all sides with good sound plank or timber of sufficient length, width and thickness, and so placed as effectually to prevent fragments of the same from ascending into the air, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than five nor more than one hundred dollars.

ARTICLE 741. It shall not be lawful for any person to leave any cistern or well in or near any public place uncovered, or covered in so insecure a manner as to endanger the lives or limbs of passers-by.

ARTICLE 742. It shall be unlawful for any person or persons within the City of Austin to pick up, gather and throw any "confetti," or any other objectionable substance from any of the streets or sidewalks of the City of Austin; and it shall further be unlawful for any person or persons to sell such "confetti" when so picked up and gathered, and any person violating this ordinance or any provision thereof shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five nor more than one hundred dollars.

ARTICLE 743. It shall not be lawful, within the corporate limits of the City of Austin, for any person, firm or corporation to sell any toy pistol shooting any form of cartridge, or any air gun shooting any form of projectile, and it shall not be lawful, within the corporate limits of the City of Austin, to discharge or fire any such pistol or air gun; and it shall further be unlawful, within the corporate limits of this city, to discharge, fire or set off any pyrotechnic exhibition, rocket, blue light, squib, cracker or other fireworks whatever, unless authorized by the Mayor so to do.

ARTICLE 744. No shooting gallery shall be set up or used in this city, nor any gunsmith allowed to discharge firearms made, repaired or tried by him, unless there be first set up a target at a suitable distance from the stand from whence such firearms are to be discharged, and such target be placed before a stone wall, with projecting wings

built of material impenetrable by bullets, and so as to be entirely harmless to any person whatsoever; nor until the same has been examined by the Mayor and the permission of the City Council obtained, under the seal of the Mayor, and such permit shall not be for longer than one year, and shall be conditioned to be void if such place becomes insecure or not in accordance herewith; and any person or persons violating any of the provisions of this article shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine of not less than five nor more than one hundred dollars.

ARTICLE 745. Whoever shall in this city be in the night time, or at other inappropriate time, in or about public or private buildings or premises, where he, she or they have no right or permission to be, under suspicious circumstances, and without being able to give a satisfactory account of the same, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine of not less than five nor more than one hundred dollars.

ARTICLE 746. Whoever shall in this city appear in any public place in a state of nudity, or in a dress not belonging to his or her sex, or make an indecent exposure of his or her person, or be guilty of any indecent or lewd behavior, or shall exhibit, sell, or offer to sell any indecent or lewd book, picture or other thing, or shall exhibit or perform any indecent, immoral or lewd play or other representation, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine of not less than five nor more than one hundred dollars.

ARTICLE 747. Whoever shall bathe, wash or swim in the Colorado River, or in any other water course, pond or pool in this city, within the hours of daylight, being naked or insufficiently clothed to prevent an improper or indecent exposure of his or her person, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine of not less than five nor more than one hundred dollars.

TITLE XXXII.

PURCHASES OF CITY.

CHAPTER I.

REGULATED.

ARTICLE 748. The Mayor shall immediately after this ordinance takes effect, appoint a committee composed of three Aldermen, to be known as the Purchasing Committee, to discharge the duties hereinafter enumerated, until the next election of officers by the City Council.

ARTICLE 749. It shall be the duty of said Purchasing Committee to purchase by contract let to the lowest bidder all groceries, meat, feed, fuel, cement, earthen pipe, lime, brick, lumber and other building material used or required for use by the city, and also to let by contract the shoeing of all animals owned by the city; provided, that this section shall not apply to the supplies purchased for the Fire Department.

ARTICLE 750. All contracts shall be made for a period not to exceed the end of the current fiscal year after notice given by publication in a newspaper published in Austin for four days, and bond in sufficient amount shall be required for the faithful performance of all contracts.

ARTICLE 751. All officers and employes of the city shall, upon request, furnish to said Committee itemized statements of the articles required in the various departments of the city government, so that due notice thereof may be given by said Committee in inviting bids for the same.

ARTICLE 752. Hereafter no article or thing shall be purchased for the use of the City of Austin where the sum of two hundred dollars or more is required to make such purchase, unless an ordinance has been passed by the City Council appropriating the amount necessary to pay for the same; provided, that the Mayor shall have the power to make contracts for all necessary articles for the use of city where the amount required for such articles is less than two hundred dollars; and provided further, that no other officer, agent or employe shall make any contract for the city unless he is expressly authorized so to do by the written order of the Mayor.

ARTICLE 753. If any officer of this city or other person shall contract for the service, labor or property of any kind of another with the

intent to charge the City of Austin with the same, and to do which such officer or person has no authority by law, ordinance or resolution of the City Council, he shall be punished by fine not less than ten nor more than one hundred dollars.

CHAPTER II.

PAYMENT FOR.

ARTICLE 754. All bills and claims against the city shall be filed with the City Clerk on or before the first day of the month, and, where appropriation to pay any such bill or claim shall have been made, the warrant therefor shall be delivered on the third day after the meeting of the City Council at which such appropriation is made.

ARTICLE 755. All bills, accounts or other evidences of indebtedness against the city, must be approved by a majority of the Finance Committee, before warrant shall be issued or the same shall be paid, and, where the same have accrued under the direction of any officer or agent of this city, must first be certified to by said officer or agent as being correct and just; and, further, all such bills, accounts and evidences of indebtedness shall, before being approved by the Finance Committee of the City Council be approved by the majority of the committee of the City Council to which the subject matter has been referred.

ARTICLE 756. Whenever any article or thing of whatsoever kind, under the value or price of two hundred dollars, is needed for the use of the City of Austin, an estimate of the articles and amount needed shall be made and certified to by the proper officer or committee, which estimate shall be filed with the Finance Committee, and, if said committee find sufficient funds in the treasury of the city, unappropriated, to warrant the purchase, then it shall be the duty of the Finance Committee to draw up an ordinance appropriating the amount necessary, and present the same at the first meeting of the City Council thereafter.

ARTICLE 757. In all cases of work done on the streets or other public places, the same shall be received and its correctness certified to by at least two of the street committee before approval of the Finance Committee or Mayor.

TITLE XXXIII.

RAILROADS.

CHAPTER I.

MOVEMENT OF CARS, ETC., REGULATED.

ARTICLE 758. It shall not be lawful for any train, car or locomotive to be run at a greater speed than six miles an hour within the corporate limits of the City of Austin.

ARTICLE 759. All railroad companies now crossing or that may hereafter cross Congress Avenue with their tracks shall place a signboard not less than three by one and one-half feet in size, on which shall be painted in plain English letters, of not less than one foot in size, the word "Stop." Said signboard shall be placed on either side and within forty feet of Congress Avenue in such a position as to be visible to engineers of approaching trains.

ARTICLE 760. All railroad companies now crossing or may hereafter cross said Avenue shall stop their trains, cars or locomotives within forty feet of said Avenue, and shall before crossing the same give the usual and customary warning when approaching public crossings.

ARTICLE 761. It shall not be lawful for any railroad company now crossing or may hereafter cross said Avenue to switch across the same in making up trains.

ARTICLE 762. If any railroad company shall violate the provisions of Articles 758, 759, 760 and 761, the engineer or conductor having charge of any trains, cars or locomotives violating the provisions of the above-mentioned articles, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine of not less than twenty-five nor more than one hundred dollars.

CHAPTER II.

TRESPASSING PROHIBITED.

ARTICLE 763. It shall be unlawful for any person to enter upon or ride upon any of the trains of the Houston & Texas Central Railway, or the International & Great Northern Railway, or the Missouri, Kansas & Texas Railway within the City of Austin, except such persons as are passengers for points beyond the corporate limits of the said city

of Austin, and except such persons as may be authorized by the proper authorities of such railways respectively to so ride upon their said trains.

ARTICLE 764. Any person violating any of the provisions of the preceding article shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than five nor more than twenty-five dollars.

CHAPTER III.

PASSENGERS ALIGHTING PROTECTED.

ARTICLE 765. It shall be unlawful for any hack, omnibus, cart, dray, wagon or other vehicle, or the runner of any hotel or other place, or any other person to go upon the platform or walk where passengers alight from trains at any railroad depot in the City of Austin, or into any depot building of any depot and solicit passengers or freight, or to call out to passengers or other persons at or within hearing of said depot grounds soliciting passengers to be carried or soliciting baggage or other articles to be carried from the depot to any other point.

ARTICLE 766. Any person violating the provisions of the preceding article shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than five nor more than one hundred dollars.

TITLE XXXIV.

RAILWAYS, STREET.

CHAPTER I.

GENERALLY.

ARTICLE 767. All street railways in the City of Austin shall be so constructed as to conform to the grade of the street over and upon which the same is or shall be located, and such grade shall be fixed by the City Engineer under the direction of the Street Committee of the City Council.

ARTICLE 768. The construction and repair of the tracks of all such railways shall be made under the direction and supervision of the City Engineer and Street Committee.

ARTICLE 769. The owners or operators of any and all such street railways in the City of Austin shall place the streets and crossings of streets upon which such railway or railways are located and operated in as good condition for travel as such streets and crossings would be in if such railway or railways were not located upon the same, and such owners or operators shall keep such streets and crossings in like condition and repair at all times.

ARTICLE 770. The owners or operators of such railway or railways in the City of Austin shall be required to keep that portion of the street covered by the track of such railway, and two feet on each side of the track in good condition and repair.

ARTICLE 771. No such street railways shall be constructed or operated over any bridge belonging to the City of Austin without the express authority and consent of the City Council.

ARTICLE 772. The owners or operators of all street railways now in existence or operation in the City of Austin shall cause the same to be repaired and placed in condition to conform to the requirements of this article within six months after the passage of this chapter.

ARTICLE 773. Any owner, operator, agent or employe of any street railway, or of any street railway corporation, company or association, or of any private individual, partnership or association, owning or controlling any such railway in the City of Austin, who shall violate any of the provisions of the preceding articles from Article 767 to 773, inclusive, shall be deemed guilty of a misdemeanor, and on conviction

thereof before the Recorder's Court shall be fined in a sum not less than five nor more than one hundred dollars.

ARTICLE 774. All ties shall be laid beneath the level of the grade of the street, and that the space between the ties and rails be paved with cobblestones or rock, firmly and securely laid, so as to be on a level with the top of the rail on each side of the track, and that a heart pine plank, at least ten inches wide and three inches thick, be spiked on each end of the ties on the outside of the rail, and the top of the rail shall be on a level with the surface of the street, and this construction shall be continued throughout Pecan Street.

ARTICLE 775. It shall be the duty of the City Engineer, under the direction of the Street Committee, to supervise the work of the construction of the road, and see that the provisions of this chapter be strictly enforced.

ARTICLE 776. Should the requirements of this chapter fail to make a roadbed that will not interfere with travel and the business interests of Pecan Street, then the right of the city to enforce the laying of a flat rail is understood not to be waived.

ARTICLE 777. Any person who shall violate the foregoing provisions of Articles 774, 775 and 776 shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by fine of not less than twenty-five nor more than one hundred dollars.

CHAPTER II.

SEPARATE COMPARTMENTS FOR "WHITES" AND "NEGROES."

ARTICLE 778. Every corporation, lessee, manager, owner or receiver of any street or interurban railway, owning or operating street or electric cars within the corporate limits over the City of Austin, over the avenues and streets thereof, as common carriers of passengers for hire, shall provide separate compartments in each passenger car for the accommodation of white and negro passengers, which separate compartments shall be equal in all points of comfort and convenience.

ARTICLE 779. Each car, divided by a board or marker placed in a conspicuous place, bearing appropriate words in plain letters, indicating the race for which the division is set apart, shall be deemed to have separate compartments within the meaning of this ordinance.

ARTICLE 780. The term "negro," as used herein, shall include every person of African descent, as defined by the statutes of the State of Texas, and the term "white," as used herein, shall include all persons not within the above definition.

ARTICLE 781. No white or negro passenger shall ride in the compartment designated for the other race.

ARTICLE 782. Each conductor, motorman or other person, in charge of a passenger car, shall forbid any passenger to sit or stand in the compartment designated for the other race, and such conductors, motormen, or other persons, in charge of passenger cars shall have the authority, police powers and right to remove from a compartment any passenger not entitled to ride therein under the provisions of this ordinance, and such passenger so removed shall not be entitled to a return of any fare paid.

ARTICLE 783. The provisions of this ordinance shall not be construed so as to prohibit nurses from riding in the same compartment with their employer or charges, or so as to prohibit officers from riding in the same compartment with prisoners in their charge.

ARTICLE 784. The provisions of this ordinance shall not apply to any excursion or special car run strictly for the accommodation of either race when such cars are plainly marked "excursion car" or "special car," except that a person of a different race from the race for which the excursion or special car is intended shall not enter or ride upon said car.

ARTICLE 785. Any corporation, lessee, manager, owner or receiver of any street or interurban railway, failing to furnish separate compartments as above provided, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in the Mayor's Court not less than ten dollars nor more than one hundred dollars for each offense, and each day of any such failure shall be deemed a separate offense for each car.

ARTICLE 786. Any passenger upon any passenger car within the provisions of this ordinance, who shall ride or attempt to ride in any compartment or car not designated or intended for his or her race, after having been forbidden to do so by the conductor, motorman or person in charge of such car, shall be guilty of a misdemeanor, and upon conviction shall be fined in the Mayor's Court in a sum not less than ten dollars nor more than one hundred dollars.

ARTICLE 787. Any conductor, motorman, or other person in charge of any passenger car, who shall fail to forbid any passenger to sit or stand in the compartment designated for the other race, as hereinbefore provided, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five dollars nor more than fifty dollars.

CHAPTER III.

GONG OR BELL.

ARTICLE 788. Each and every street car in the City of Austin shall be equipped with a gong or bell, capable of being heard at least three

hundred feet, and it shall be the duty of the motorman or person in charge of said car to cause said gong or bell to be sounded at least twenty feet from and before crossing any street intersecting the street on which said car is running, and to continue sounding said gong or bell until said street is crossed by said car, and to sound said gong or bell twenty feet before each curve is reached and to continue sounding same until around the curve.

ARTICLE 789. Any person violating the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five nor more than one hundred dollars.

TITLE XXXV.

SALOONS, ETC.

CHAPTER I.

REGULATION OF.

ARTICLE 790. If any person or firm shall open, establish or operate any barroom, saloon, tippling house, dram shop, or other establishment, by whatever name the same may be known, where spirituous, vinous, malt or other intoxicating liquors are sold, or kept for sale, in quantities less than one quart, at any place in this city, without first obtaining permission from the City Council so to do and procuring a license therefor, he shall be deemed guilty of a misdemeanor and punished by a fine of not less than five nor more than one hundred dollars.

ARTICLE 791. No license shall be issued, as contemplated in the preceding article, until the party applying for the same shall have entered into bond with at least two good and sufficient sureties, in the penal sum of two hundred and fifty dollars, payable to the City of Austin, and conditioned that the party or parties shall keep an orderly house, and that they will comply with all the ordinances of the City of Austin and the laws of the State of Texas, regulating retail liquor dealers, which bond shall not be accepted or filed until approved by the Mayor, and when so approved it shall be filed with the City Clerk.

ARTICLE 792. If any owner, proprietor, agent, employe or person in charge of any establishment in this city, by whatever name the same may be called or known, where spirituous, vinous, malt or other intoxicating liquors are kept for sale in quantities less than one quart, shall keep open such establishments to a later hour than twelve o'clock at night, or open the same at an earlier hour than four o'clock in the morning, he shall be punished by a fine of not less than five nor more than one hundred dollars.

ARTICLE 793. If any owner, proprietor, agent or employe of any establishment in this city, by whatever name the same may be called or known, where spirituous, vinous, malt or other intoxicating liquors are kept for sale in quantities less than one quart, shall, between the hours of twelve o'clock at night and four o'clock in the morning, sell, give away or otherwise dispose of any spirituous, vinous, malt or other intoxicating liquors to any person whomsoever, under any pretext what-

ever, he shall be punished by fine not less than five nor more than one hundred dollars.

ARTICLE 794. If any person shall knowingly sell or give, or cause to be sold or given, any spirituous, vinous, malt or intoxicating liquor to any other person under the age of twenty-one, without the written consent of the parent or guardian of such minor, or some one standing in their place or stead, or to any habitual drunkard, as defined by state law, he shall be punished by fine not less than twenty-five nor more than one hundred dollars.

ARTICLE 795. Whoever shall in this city sell, offer for sale, give away or otherwise dispose of any spirituous, vinous or other intoxicating liquors on any election day, or other day when the same may be prohibited by law, or keep open the doors of any place or house where such liquors are kept for sale on any such day, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine of not less than five nor more than one hundred dollars.

ARTICLE 796. It shall be unlawful for any person, association of persons, or corporation, or for the agent of any person, association of persons, or corporation, to establish or operate any saloon or place or establishment of any character whatever where intoxicating or fermented liquors are sold, or to sell or give away intoxicating or fermented liquors to any person from any saloon, or other similar place or establishment, within that part of the territorial limits of the City of Austin hereinafter described, viz.: Beginning at the northeast corner of the Thomas Gray survey, same being the northeast corner of the territorial limits of the City of Austin; thence with the north line of said city boundary north sixty degrees west to the west line of the Lunatic Asylum tract; thence with said west line south thirty degrees west to the north line of State Street; thence with said north line south sixty degrees east to the west line of the Thomas Gray survey continue on south sixty degrees east to the east line of the Thomas Gray survey; thence with said east line north thirty degrees east to the place of beginning.

ARTICLE 797. It shall be unlawful for any person, association of persons or corporation, possessing, owning or controlling any premises within the preceding article to permit any saloon or establishment of any character whatever, where intoxicating or fermented liquors are sold, to be established or operated on the premises, or any part thereof, possessed, owned or controlled by such person, association of persons or corporation.

ARTICLE 798. Any person, association of persons or corporation violating any of the provisions of the two preceding articles shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than five dollars nor more than two hundred dollars,

and each day during which, or during any part of which, any saloon or other establishment where intoxicating or fermented liquors are sold, is operated or permitted to be operated within said district in violation of this ordinance, shall constitute a distinct and separate offense on the part of the person, association of persons, or corporation so operating or permitting the operation of such saloon or other establishment.

TITLE XXXVI.

STREETS, SIDEWALKS, BRIDGES AND THOROUGHFARES.

CHAPTER I.

GENERALLY.

ARTICLE 799. Exclusive control and regulation of all streets, alleys, sidewalks and highways and public squares within the corporate limits of the city is in the City Council, and it shall have the power:

1. To abate and remove encroachments thereon in summary manner.
2. To put drains and sewers therein, and when necessary to appropriate private property for that purpose; for the purpose of establishing streets and alleys to be condemned according to the laws relating to the condemnation of property by railroad corporations, the city occupying the place of the railroad corporation in such cases.

3. To permit and regulate the laying of gas and water mains therein, and the erection of telegraph and telephone and electric light poles therein.

4. To regulate, establish and change the grade of all sidewalks, streets and alleys, and to require and compel the cutting down or filling up and raising of such streets, sidewalks and alleys.

5. To construct, regulate and keep in repair all culverts, sewers and crossings, and to control and regulate the use of same.

6. To construct, regulate and keep in repair all necessary sidewalks, footways and streets.

7. To grade, cut down and fill up the same.

8. To regulate the use of the same and abate and remove encroachments and obstructions thereon, and to compel the same; provided, that when the City Council has once established a grade for any street, sidewalk, alley or park, and any owner of property abutting thereon has improved such property to conform to such grade, then the City Council shall not have authority to change such grade, except by consent of a majority of the owners by feet frontage of the property in front of which it is proposed to change such established grade.

9. To vacate streets and alleys.

ARTICLE 800. That the City Council shall fix and determine the nature of all sidewalks, streets, drainage and sewerage improvements and decide the kind of material to be used. The City Council shall also fix and determine the necessity, nature and extent of streets and sidewalk

improvements, repairs and reconstruction, and may at its discretion cause all or any part of such streets and sidewalks to be constructed, reconstructed, graded, regraded, paved, repaved, or in any other way repaired, improved or maintained, and said Council shall have full power and authority to provide, by ordinance, for the manner of determining, after notice and by due process of law, of the amounts of benefits to each parcel of abutting property by reason of any such improvements, repair or reconstruction, and of a fair and just proportion, and of the amount of the cost of the same to be paid by each abutting owner, and the amount of costs so adjudged shall be a personal liability against such owner, as well as a first and prior lien and charge upon his abutting property. All assessments and benefits and the proportion and amount of costs to be paid by the abutting owner shall, unless such owner and the City Council agree upon the same, be determined by a commission of three citizens, to be appointed in the same manner as in the condemnation of right of way for railroads, and by the procedure and practice established by law in such condemnation cases, so far as applicable, shall govern assessments for streets and sidewalk improvements. The assessment of costs against an abutting owner shall in no case exceed the benefit of his abutting property as established by the judgment of the commission, but the owner shall be entitled to no reduction for benefits received by him in common with others, and the total cost, not in excess of the total benefits to abutting owners, shall be fairly distributed by said commissioners among such owners, first deducting the cost of street crossings, and of such portions of said improvements, if any, as may be paid for by the street railroad companies, or other railroad companies, occupying portions of the street under improvements, or required by their franchises to pay therefor.

CHAPTER II.

STREET AND SEWER COMMISSIONERS.

ARTICLE 801. There be appointed by the City Council five citizens of Austin, who shall constitute a Board of Street and Sewer Commissioners. They shall hold office until the next general election, and shall act gratuitously. The Board shall be allowed, however, the sum of five hundred dollars annually, or such portion of the same as they may require, to cover expenses, if any, which they may incur in performing the duties of their office.

ARTICLE 802. It shall be their duty to prepare and recommend to the City Council comprehensive plans for streets, sidewalks, sewers and drainage improvements, including material to be used and all other matters pertaining to the construction of the improvements.

ARTICLE 803. All matters involving an outlay of as much as five

hundred dollars, pertaining to any improvement of the character above mentioned shall be first referred to them, and an interval of not less than ten days after such reference is formally made by the City Council shall be allowed them in which to report on the same to the said Council, and it shall be their duty to examine, pass upon and report to the City Council all plans and specifications relating to such improvement before the same are finally approved by the City Council.

ARTICLE 804. They shall also pass upon all bids received on matters relating to said improvements, and recommend such action with reference to the same to the City Council as they may deem expedient. They shall also examine and pass upon all street work for the city where the contract exceeds five hundred dollars, and such work shall not be accepted by the City Council until their reports on the same has been made to the City Council, or until after the expiration of fifteen days from the time when the matter shall have been referred to them.

CHAPTER III.

IMPROVEMENTS OF AND WORK ON.

I. GENERALLY.

ARTICLE 805. No change of any character shall be made in any of the streets or alleys of the city except by authority of the City Council.

ARTICLE 806. Any city officer, or other contractor for public work, who shall make an excavation in any highway, or thoroughfare, or public place, and shall not cause poles or timbers raised at least three feet above the ground, to be placed so as to prevent persons, animals or vehicles from falling into the same, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than five nor more than one hundred dollars.

II. FUNDS FOR.

ARTICLE 807. One-fourth of all moneys collected by virtue of the annual ad valorem tax levied for general revenue purposes shall be set aside as collected and shall constitute the general street and bridge fund of the city.

ARTICLE 808. The general street and bridge fund above provided for shall be divided as collected into two funds to be known respectively as the "improvement fund" and the "permanent paving fund."

ARTICLE 809. Sixty per cent of the general street and bridge fund shall be set apart as collected and shall constitute the "improvement fund."

ARTICLE 810. Forty per cent of the general street and bridge fund shall be set apart as collected and shall constitute the permanent "paving

fund," provided that underground sewers shall be constructed under all three streets which may be paved with this fund.

ARTICLE 811. The City Treasurer shall keep separate accounts of the "improvement fund" and the "permanent paving fund," and shall pay no warrant drawn to satisfy any expense of general street or bridge improvements except out of the improvement fund, and shall pay no warrant drawn to pay for street paving except out of the permanent paving fund.

III. GENERAL SUPERVISION OF WORK.

ARTICLE 812. The City Engineer and ex-officio Street Commissioner shall, with the advice of the Mayor, have general supervision of all work on the streets, alleys and bridges of the city within such limits of expense as the City Council may, under the terms of the charter, prescribe, and all repairs, alterations and work thereon shall be done under the direction of the City Engineer.

IV. STREET FOREMAN.

ARTICLE 813. There is hereby created the position of Street Foreman.

ARTICLE 814. Said Street Foreman shall be appointed by the Street Committee of the City Council of the City of Austin and by the City Engineer of the City of Austin; he shall work with the street forces provided by the City of Austin under the supervision of the Street Committee of the City Council of the City of Austin and the City Engineer of the City of Austin; he shall also have charge of and be responsible for all prisoners working out fines on the streets of the City of Austin that may be turned over to him.

ARTICLE 815. In addition to the duties above prescribed the Street Foreman shall from time to time do and perform any and all duties assigned and prescribed by the Street Committee of the City of Austin and by the City Engineer.

ARTICLE 816. The salary of the Street Foreman shall be the sum of sixty-seven dollars per month for the balance of the year 1907, and sixty dollars per month for the year 1908, and he shall serve during the time of the Street Committee and City Engineer who appoint him, unless removed by said Committee; said salary of said Street Foreman to be paid out of the street funds of the City of Austin.

V. CITY TEAMS, ETC.

ARTICLE 817. All mules, horses or teams, harness and feed for the same, and all wagons, carts, drays, plows, scrapers and tools belonging to the City of Austin, shall be kept and taken care of, when not in use, at the city stable, situated on the ground adjoining the City Hall, and all of such property shall be in the keeping and under the control of the

City Engineer, who shall be responsible for the safe and proper care of the same. And it shall be his duty to purchase in the name of the City of Austin, and under the same rules as other articles are purchased for the city, all necessary feed for said animals and teams, and to have all necessary repairs done upon all wagons, carts, drays and other property mentioned in this article; provided, all bills for such feed or work shall be approved by the Street and Finance Committees before paid for by the city.

ARTICLE 818. It shall be the duty of the City Engineer to see that none of the mules, horses, teams, wagons, carts, drays, harness, plows, scrapers, tools and feed belonging to the City of Austin are used in any manner whatever, except for the exclusive and direct use and benefit of the City of Austin, and for the purposes for which they are bought and kept by the city. And the failure or refusal of the City Engineer to comply with the provisions of this chapter, shall subject him to the same punishment as his failure or refusal to perform any other duty of his office would do.

ARTICLE 819. The City Engineer shall employ and have the charge, direction and control of the drivers of teams belonging to the city, and all other persons employed in connection with street work, and such drivers and employes shall always be subject to his orders. He shall also have the care and control of the city teams and equipments, and shall have charge of any and all forage provided therefor, and shall be responsible to the city for the safe keeping and preservation of such teams, equipments and forage.

VI. GRADES.

ARTICLE 820. The grades for the streets of Austin as surveyed and designated on the profile in the office of the City Engineer, made by J. H. Pope, civil engineer, under contract with the city, as the same are marked on the city map made by the said J. H. Pope are hereby adopted as the grades and levels to govern in all street and sidewalk work unless otherwise provided by the City Council in special cases; provided, that the natural topography of the city shall not be altered without prior consent of the City Engineer and Street Committee, more than two feet.

ARTICLE 821. Congress Avenue, in said city, and the sidewalks thereof, between the south line of Mesquite Street and the north line of Cedar Street, in said city, shall be graded as follows, that is to say: The grade of center line of Congress Avenue, from the south line of Mesquite Street to the intersection of Hickory Street, shall be at the rate of one foot and two hundred and ninety-three thousandths ($1:293$), in one hundred (100) feet; from the intersection of Hickory Street to the north side of Cedar Street, the grade shall be at the rate one foot

and five hundred and sixteen thousandths (1.516) in one hundred (100) feet. The grade of the sidewalks on the east side of the Avenue, from the south side of Mesquite Street to the intersection of Hickory Street, and from thence to the north side of Cedar Street, shall be the same rate as that for the center line of the Avenue. The grade for the sidewalks on the west side of the Avenue, from the south line of Mesquite Street to the intersection of Hickory Street, shall be at the rate of nine hundred and fifty-six thousandths (.956) in one hundred (100) feet; from the intersection of Hickory Street to the intersection of Pecan Street, shall be at the rate of one foot and six hundred and fifteen thousandths (1.615) in one hundred (100) feet; from the intersection of Pecan Street to the north side of Cedar Street shall be at the rate of one foot and eight hundred and seventy-seven thousandths (1.877) in one hundred (100) feet. The sidewalks shall be twelve feet wide, and have a slant from the upper side to the curbstones of three inches, and the upper edges of the curbstones shall be leveled so as to conform to side slant.

VII. DIGGING IN REGULATED.

ARTICLE 822. It shall be unlawful for any person or persons to dig up or assist in breaking and digging up any part of any street, alley, or public place, or fill in any part of same, or remove any gravel, dirt or manure therefrom without the written permission of the City Engineer and a majority of the Street Committee, provided that in the absence of a majority of the Street Committee the remaining member, together with the Mayor and City Engineer, may give such permission.

ARTICLE 823. Whenever any streets or other public places are taken up for the laying down of any water pipes or other appurtenances to any water works, said places shall be carefully protected, by fencing or otherwise, by the person or persons constructing the same, so as to leave no danger of any person, animal or vehicle falling therein, and said places shall be restored to like condition as before taken up as soon as possible.

CHAPTER IV.

STREET PAVING.

ARTICLE 824. That portion of Congress Avenue included between the State Capitol grounds and the Colorado River bridge, and East Sixth Street between Congress Avenue and East Avenue be paved with vitrified brick, including concrete base.

ARTICLE 825. The street railway of the City of Austin is hereby required, as provided in its franchise, to pave all of said above named streets within the limits specified lying between the railroad tracks of

said street railway and for a distance of twelve inches outside of said railroad track.

ARTICLE 826. The City of Austin shall pay for the paving of any and all street intersections, except so much of said intersections as may be paid for by the Houston & Texas Central Railroad Company, the International & Great Northern Railroad Company, the Austin Dam and Suburban Railway Company, the Austin Electric Railway Company, the State of Texas and Travis County, Texas.

ARTICLE 827. All owners of real estate situated and abutting on Congress Avenue and East Sixth Street within the limits above defined shall pay their proportionate share of all paving on said streets not provided for in the preceding sections. In determining the proportionate share each abutting property owner shall pay, there shall be taken into account the fair and just proportion of the benefit accruing to each abutting property owner by reason of said streets being paved.

ARTICLE 828. Immediately upon the taking effect of this ordinance, the City of Austin, acting through the Paving Committee heretofore selected by the Mayor and Council of the City of Austin, shall notify in writing each and every person who owns abutting property on Congress Avenue and East Sixth Street within the limits above described; provided, that if any such owner is a non-resident of the city, or is absent from the city, such notice shall be given to the person or persons who act as rental agents or who have charge of such property for such owners; requesting such property owners to meet with said committee at a time not less than five days nor more than ten days after the giving of such notice, to offer any objections that they may have as to why the bid of F. O. Brown should not be accepted and adopted as to the work of paving said Congress Avenue and East Sixth Street, and to, at said time, agree with said committee, acting for the City of Austin, and the said City of Austin, as to the proportionate share each of said abutting property owners should pay for said paving of Congress Avenue and East Sixth Street.

ARTICLE 829. Each of said abutting property owners shall meet with said committee at the time and place specified in the notice provided for in the preceding article, and, if the said Paving Committee shall decide that no reasonable objection has been made to the adoption and ratification of the bid submitted by the said F. O. Brown, the said committee and the said abutting property owners shall then agree upon the proportionate share of the cost of said paving to be borne by said abutting property owner.

ARTICLE 830. If the abutting property owner, after being notified as above provided, shall fail to attend upon such meeting, or shall fail or refuse to agree with the said committee representing the City of Austin

upon the proportionate share of the cost of such work to be paid by any such abutting property owner, the said Paving Committee shall report the names of any and all such persons, together with a description of the abutting property owned by them on Congress Avenue and East Sixth Street to the City Council of the City of Austin, and the Council shall then pass upon the questions involved, and if they adopt the report of said committee, the Council shall instruct the City Attorney of the City of Austin to at once institute proceedings in the name of the city, as plaintiff, against any such abutting property owner, as defendant, which proceedings shall conform to and in all things so far as applicable, be governed by the rules of practice and procedure established by law in proceedings for condemnation of right-of-way for railroads, as provided by Chapter 8, Title XCIV of the Revised Civil Statutes of the State of Texas; such proceedings to be commenced by filing a brief statement of the facts with the county judge of Travis county, Texas; and said county judge shall forthwith, either in term time or vacation, appoint three disinterested freeholders of said county as special commissioners to assess the proportionate amount of benefits against the property of such defendant abutting on Congress Avenue and East Sixth Street; provided, that if the city and the defendant shall agree on such commissioners, such person or persons shall be appointed. Notice of such proceeding shall be served in the manner required by Chapter 8, except when the property in controversy belongs to a non-resident of this State, or to a person whose residence is unknown, or a person who is absent from the State, so that notice can not be served upon him, in which event such notice shall be served upon said owner by publication in a daily paper published in the City of Austin, for a period of ten days.

ARTICLE 831. Upon the date set for such hearing or upon such date or dates to which such hearing is postponed by said Commissioners, the said Commissioners shall hear evidence as to the value of the benefits to such defendant by reason of such paving, and assess the amount of such benefits, and the proportion and amount of cost of such paving to be paid by said defendant. The assessment of such cost shall in no case exceed the benefit to his abutting property, as established by the judgment of the Commissioners, but the defendant shall be entitled to no reduction or benefits received by him in common with others.

ARTICLE 832. When said Commissioners shall have assessed such benefits against any such defendant, they shall reduce their decision to writing, stating therein the amount of such benefit, and shall date the same and sign it and file the same, together with all other papers connected with the case with the county judge without delay.

ARTICLE 833. All cost of proceedings, including compensation to the Commissioners, shall be paid by the defendants in such suit, if any

benefits are adjudged against his property, and the Commissioners shall make out a statement in writing of all costs which have accrued before them and shall sign the same and deliver it with the other papers of the cause to the county judge.

ARTICLE 834. If either party be dissatisfied with the decision of such Commissioners, he or it may within five days after the same have been filed with the county judge file an opposition thereto in writing setting forth the particular causes of such objection, and thereupon said cause shall be tried and determined as any other civil cause in said court, except the decision of said court shall be final, and neither party shall have the right to appeal therefrom.

ARTICLE 835. If no objections are filed to the decision of said Commissioners within the time prescribed in the preceding article, the county judge shall cause the said decision to be recorded in the minutes of his court, and shall make the same the judgment of said court, and may issue the necessary process to enforce the same, if such sum be within the jurisdiction of the county court, and if such sum so adjudged be not within the jurisdiction of the county court, the city shall have the right to bring suit in the court having jurisdiction to enforce the same. All sums adjudged against any such defendant as benefits to his abutting property, including all costs of the proceeding, and a reasonable attorney's fee, to be fixed by the Commissioners, shall be and become by virtue of said proceedings a personal claim against said defendant, and shall be and become a lien upon the abutting property against which such benefits are assessed, and judgment of foreclosure shall be entered by the district court of Travis county in any suit brought for that purpose by the city, foreclosing such lien upon the property in controversy; provided, that for all the purposes of this ordinance, executors, administrators, and legal representatives of deceased persons shall be considered owners.

ARTICLE 836. When any sum is collected by reason of the proceedings, as above provided for, the same, except the costs and attorney's fee, shall be used in paying for the street paving upon Congress Avenue and East Sixth Street provided for above, and shall be used for no other purpose.

ARTICLE 837. It shall be unlawful for any person, firm or corporation, their agents or employes, to remove any gas or water pipes, or pipes of any kind from any portion of Sixth Street or Congress Avenue in the City of Austin, Texas, without thereafter making the backfill with concrete, composed of one part Portland cement to fifteen parts screened sand.

ARTICLE 838. Any person, firm or corporation, their agents or employes violating any of the provisions of this ordinance shall be guilty

of a misdemeanor and, upon conviction, shall be fined not less than five nor more than one hundred dollars.

ARTICLE 839. Every owner of a lot or lots of land fronting on or abutting on Congress Avenue who shall pave at his own cost the street in front of his premises, or any part of such street shall, in case of future tax levy for paving purposes, or for interest and sinking fund on bonds issued for street paving purposes, be compensated for the amount of his expenditure for paving done in front of his premises as aforesaid; provided, however, that all paving done by anyone wishing to claim the benefit of this resolution, shall be done under a contract and in a manner satisfactory to and to be approved by the engineer in charge.

CHAPTER V.

GUTTERS.

ARTICLE 840. Hereafter it shall be unlawful for any person to flush any gutter within the City of Austin by turning the water into same directly from a fire hydrant, without the use of a hose; and that in all cases where gutters are flushed within said city a hose shall be run from the hydrant or hydrants used for said purpose into the gutter being flushed in such manner as to prevent the flooding of the street, sidewalks or premises adjacent to such fire hydrant or hydrants.

ARTICLE 841. Any person violating any of the provisions of the preceding article shall, upon conviction thereof, be punished by a fine of not less than ten or more than one hundred dollars.

CHAPTER VI.

STREETS AND ALLEYS.

I. NAMED AND DESIGNATED.

ARTICLE 842. The streets running east and west commencing with Water Street, which shall be known as First Street, shall hereafter be designated by numbers and known as "First Street," "Second Street," "Third Street," etc., in their order to the northern limits of the city; provided, that such naming shall be regarded as additional designation only of said streets, the names of which streets remain as they now are, and provided that streets running east and west from Congress Avenue shall be marked east and west, respectively.

ARTICLE 843. The names of the streets running north and south shall be as follows:

Commencing at the street forming the west boundary line of the city—

1. Pecos Street.
2. West Avenue.
3. Rio Grande Street.

4. Nueces Street.
5. San Antonio Street.
6. Guadalupe Street.
7. Lavaca Street.
8. Colorado Street.
9. Congress Avenue.
10. Brazos Street.
11. San Jacinto Street.
12. Trinity Street.
13. Neches Street.
14. Red River Street.
15. Sabine Street.
16. East Avenue.
17. The streets running west of lots 3, in division "A," and 3, 19, 33, 45, 56 and 70, in division "O," shall be called Medina Street.
18. The street running along the east boundary line of the city shall be called San Saba Street.
19. The street running between lots 1 and 2, in division "B," shall be called Comal Street.
20. The street running between lots 3 and 4, in division "B," shall be called Navidad Street.
21. The street running on the east side of lots 15, 17, 18 and 19, and College Hill, in division "D," shall be called Lampasas Street.
22. The street running on the east side of lots 20 and 21, in division "D," shall be called University Avenue.
23. The street running on the west side of lots 15, 16, 20, 21 and College Hill, in division "D," shall be called San Marcos Street. (Guadalupe continued.)
24. The streets running along the west side of lots 23, 23½, 34, 37, 48, 51, 61, 63 and 68, in division "D," shall be called San Bernard Street. (Rio Grande continued.)
25. The street running along the west side of lots 25, 32, 39, 46, 53, 59, 65, 66 and 70, in division "D," shall be called San Gabriel Street.
26. The street running on the west side of lots 15 and 16, in division "E," shall be called Pedernales.
27. The street running on the west side of lots 2, 5 and 6, in division "Z," shall be called Blanco Street.
28. The street running through lots 20 and 21, in division "E," 16 and 15, in division "D," shall be called Whitis Avenue.

ARTICLE 844. The name of each street in the city shall be posted up conspicuously on each corner of each block, the name to be painted or printed on some durable or lasting material, in plain letters of a size easily to be read from the street.

ARTICLE 845. The name of the street originally designated on the map of the City of Austin as "Pitts Avenue" shall be retained as so designated, and that said street shall not be numbered according to the system of numbering streets running east and west in the City of Austin.

II. NUMBERING OF HOUSES.

ARTICLE 846. All houses in the city on streets running north and south, from the Colorado River, shall be numbered as follows: Commencing with the numerical figure, one (1), at the Colorado River, and running north, with the odd numbers on the east side of each street, and the even numbers on the west side.

ARTICLE 847. All houses in the city on streets running east and west, are numbered as follows: Commencing at Congress Avenue, on each street running west, the houses shall be numbered from one (1), westward, the even numbers on the north side of the street, and the odd numbers on the south side, and shall be known as No. 1 West ——— Street, etc.; and commencing at Congress Avenue, the houses on each street running east, shall be numbered from one (1), eastward, in like manner, and shall be known as No. 1 East ——— Street, etc.

ARTICLE 848. Each block facing on a street shall have one hundred numbers, without regard to the number of houses thereon.

ARTICLE 849. All residences abutting or fronting on streets running north and south between Eleventh and Twelfth Streets and east of East Avenue shall be numbered at the expense of the city.

ARTICLE 850. There shall be ten numbers to the block, commencing on the first block north of Eleventh Street and running thence north, allowing ten numbers to the block.

III. OPENING AND CHANGING.

ARTICLE 851. Whenever the major part of the owners of the property fronting on any street, lane, avenue or alley, proposed to be opened, widened or altered, shall petition therefor, the Mayor and City Council shall appoint a day for the hearing of said petition, and shall give notice of the time set for hearing the same, to all persons owning property fronting on the street, lane, avenue or alley, proposed to be opened, widened or altered. And upon the hearing thereof, the City Council shall grant or refuse said petition, as to them shall seem proper, taking into consideration the interests of all parties owning property fronting on such street, lane, avenue or alley, and also the interests of the public at large.

ARTICLE 852. If upon the hearing of any petition as provided in the preceding article, the Mayor and City Council shall determine to open, widen or alter any street, lane, avenue or alley in the city, they

shall then ascertain whether to accomplish the same it shall be necessary to take any private property.

ARTICLE 853. And if it be found that it will be necessary to take any private property in opening, widening or altering any such street, lane, avenue or alley, the Mayor and City Council shall ascertain whether a just compensation can be agreed upon between the city and the parties whose property is so taken. And if the amount of compensation can not be agreed upon, the mayor shall cause the same to be ascertained by a jury of six disinterested persons, freeholders of the city, who shall be summoned as jurors in cases in the Recorder's Court.

ARTICLE 854. Jurors summoned and empaneled under the provisions of the preceding article, shall be first sworn to well and truly inquire into and determine from the evidence the actual benefits or damages that shall happen to each owner of property proposed to be taken for opening, widening or altering of such street, lane, avenue or alley. And they shall return into court an inquest in writing, which shall be signed by each juror, assessing the amount of benefits or damages that shall accrue to each person by reason of the taking of such property.

ARTICLE 855. After the return of the inquest, as provided in the preceding article, it shall be the duty of the Mayor to cause such street, lane, avenue or alley to be opened, widened or altered, as the case may be, as ordered by the City Council. And if by said inquest it shall be found that any damages are sustained by any person whose property is so taken, the same shall be paid to such person by the city. But if any person shall appear to be benefited by reason of the opening, widening or altering of such street, lane, avenue or alley, the amount assessed by the jury and found in such inquest shall be paid to the City Assessor and Collector, or City Treasurer. And if any person shall fail or refuse to pay to the city the sum so assessed, the same may be recovered against him in an action of debt before any court of competent jurisdiction, by suit brought in the name of the City of Austin.

ARTICLE 856. If it shall appear on the hearing of any petition that it will not be necessary to take any private property to open, widen or alter any such street, lane, avenue or alley, the Mayor and City Council may, in their discretion, order the same to be immediately opened, widened or altered, as the case may be; and it shall be the duty of the Mayor to immediately enforce said order; provided, that in all cases where petition is filed for the opening, widening or altering of any street, lane or alley in this city, the petitioners shall be required to give security for all costs that may be incurred in such proceeding, before any action shall be taken on such petition; and provided further, that the city shall in no event become liable for, or pay the costs of, any such proceeding.

. IV. DRIVING ON REGULATED.

ARTICLE 857. That it shall hereafter be unlawful for the driver of any vehicle on any public street, alley or other driveway of the City of Austin to turn his vehicle to the left on meeting any other vehicle; and it shall also be unlawful for any such driver to fail to turn to the right when meeting or passing any other vehicle on such street, alley or driveway.

ARTICLE 858. All persons driving vehicles on Congress Avenue and Sixth Street in the City of Austin shall drive on the right hand side of the street railway tracks, unless said person is crossing said street to a given point. At such time said person shall not proceed on the left hand side of said track further than is necessary in going to said designated point.

ARTICLE 859. Any person violating the provisions of the two preceding articles shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than \$5 nor more than \$100.

ARTICLE 860. If any person shall ride or drive any animal or animals on Congress Avenue or Pecan Street in a gait faster than a slow trot; provided a slow trot be seven and a half miles an hour, or in any other street, alley, road, highway, thoroughfare or public place, faster than an ordinary gait; provided, an ordinary gait be ten miles an hour, or shall drive any dray or heavy wagon with more than two animals attached thereto on Congress Avenue or Pecan Street in a gait faster than a walk or shall ride or drive any animal around any street or alley corner lying on Congress Avenue south of the Capitol or Pecan Street in a gait faster than a slow trot, he shall be punished by a fine of not less than five nor more than one hundred dollars.

ARTICLE 861. The provisions of the preceding article shall not apply to that portion of Water Street lying east of its intersection by Red River Street; upon which the rate of speed may be not more than twenty miles an hour.

ARTICLE 862. That if any person shall ride or drive any animal in this city in any street, alley or public place so as to cause such animal or vehicle thereto attached to come in collision with or strike any other vehicle, animal or person on foot; or shall ride or drive any animal usually ridden or driven with reins, without holding the reins in hand; or shall ride or drive any animal in a public place with a bell or bells attached thereto except when attached to street cars, or allow any animal to run at large with a bell attached thereto, he shall be punished by a fine of not less than five nor more than one hundred dollars.

V. KITE FLYING, ETC., PROHIBITED.

ARTICLE 863. Whoever shall, in any highway or thoroughfare in this city, fly a kite, or engage in any sport or exercise likely to scare horses, injure passengers, or embarrass the passage of vehicles, shall be deemed guilty of a misdemeanor and, on conviction, shall be fined not less than five nor more than one hundred dollars.

VI. PLAYING BALL, ETC., PROHIBITED.

ARTICLE 864. It shall be unlawful for any person to play baseball or any other game of ball, or throw balls in or on any street or alley of the City of Austin.

ARTICLE 865. Any person violating the provisions hereof shall be punished by fine in any sum not less than five nor more than twenty-five dollars.

ARTICLE 866. The Chief of Police and the force under his control are specially directed to see that this ordinance is enforced.

VII. STAKING AND GRAZING ON PROHIBITED.

ARTICLE 867. It shall be unlawful for any person to stake out in any of the public squares or parks of the City of Austin any neat cattle, cow, calf, mule, horse or jackass, or to hitch, tie or stake, any such animal on any public street of said city for grazing purposes, and any person violating any of the provisions hereof shall be deemed guilty of a misdemeanor, and on conviction fined in any sum not less than five nor more than twenty-five dollars.

VIII. ALLEYS ARE THOROUGHFARES.

ARTICLE 868. All alleys in this city, when not closed as provided by ordinance, are hereby declared to be public places and thoroughfares, and shall be subject to the same regulations as to inspection, grading and improvements, and to the same police and sanitary regulations as streets.

ARTICLE 869. The City Council may order the opening, widening or altering of any alley in this city, upon the written petition of the owners of the major part of the property abutting or fronting upon such alley, in the same manner and subject to the same conditions and regulations as are provided for the opening, widening or altering of streets; and all ordinances relating to streets are declared to apply also to alleys; provided, that it shall be lawful for any person or persons owning all the lots composing any block in the city to close the alley crossing such block for such time, either perpetually or temporarily, as may be determined by the City Council, upon a petition signed by all the owners of land in such block, which petition shall be recorded in the office of the

City Clerk; provided further, that the City Council shall, before granting any such petition, take into consideration the effect of such closure upon the convenience of the citizens at large.

IX. TELEGRAPH, ETC., POLES.

ARTICLE 870. It shall be unlawful for any telephone, telegraph or electric light company, or any association of persons or individuals to place or cause to be placed any telegraph, telephone or electric light pole of any kind, character or description at any other place upon the streets or alleys of the City of Austin, other than at the corner of the block or, if at a point other than at the corners of blocks, they shall be placed on or opposite the division line separating the lot or lots in said block.

ARTICLE 871. Any person, firm or corporation violating the provisions of this ordinance shall be fined in any sum not less than five dollars nor more than one hundred dollars, and, in addition thereto, it shall be subject to the forfeiture of the franchise granted by the City of Austin.

CHAPTER VII.

SIDEWALKS.

I. BUILDING OF REGULATED.

ARTICLE 872. The sidewalks of the City of Austin shall hereafter be constructed, reconstructed, built and maintained by the respective owners of property in the City of Austin in the following manner and of the following materials, and on the grades as provided for herein, to wit:.

SPECIFICATIONS FOR CURBING.

1. All curbing must be put in on lines and grades given by the City Engineer and shall be constructed of stone, brick or concrete; all curbings to be put in in the manner as prescribed herein, and to the satisfaction of the City Engineer, and the City Engineer shall designate and specify which of said three materials shall be used.

CONCRETE CURBINGS.

2. When concrete curbing shall be used it shall be put in in a workmanlike manner and by the use of rigid "forms" or "templates," and of first-class material.

PROPORTION FOR CONCRETE.

3. When concrete is used for any purpose in the construction of any part of the sidewalk or curbing as provided for in this ordinance, it shall be of the following proportions and milled in the following manner, to wit: Concrete to be composed of four parts of clean, screened

gravel, two parts clean, sharp sand, and one part of Portland cement (same to meet approval of City Engineer), all to be well mixed and turned with at least two dry turns and two wet turns and more, if, in the discretion of the City Engineer, it is necessary. After concrete has become thoroughly set, forms are to be removed and curbing coated with not less than one-half inch of cement plaster.

CEMENT PLASTER.

4. The cement plaster shall be composed of not more than two parts of clean sand to one part of cement (same to meet the approval of the City Engineer). In all cases, whether for curbing or cement walks the City Engineer shall require the use of measuring boxes struck with a straight edge and, upon completion of work, the contractor or contractors will be required to obtain a certificate from the City Engineer stating that said work has been done according to specifications and to the satisfaction of the City Engineer before same will be accepted by the city on behalf of the property owners or parties having work done.

CEMENT WALKS.

5. The concrete used for the construction of cement walks shall be of the same proportion as is provided for herein for the construction of concrete curbings, all work to be done under the supervision and to the satisfaction of the City Engineer.

DIMENSIONS OF CEMENT WALKS.

6. In the residence portions of the city walks shall be four and one-half feet in width and not less than four inches in depth of solid concrete after concrete has been thoroughly tamped; in addition to the four inches of concrete there shall be added a layer not less than three-fourths of an inch in thickness on the concrete while the same is green, the cement plaster to be well-smoothed and worked and marked and to be of the same consistency and of the same proportions as are provided herein for the plaster on cement curbings. In the business districts of the city the walks, whether of stone, brick or cement shall be of the entire width of the sidewalk and not less than four inches in depth, and if concrete is used the same shall be of the same depth, of the same proportions, and made in the same manner as is provided for concrete sidewalks in the residence portions of the city. In determining what is meant by the "business and residence portions of the city," the business portion of the city shall be from Eleventh Street to the Colorado River on Congress Avenue, and from East Avenue to Lavaca Street on East Sixth Street; and for a distance of one block both east and west of Congress Avenue on all side streets from Eleventh to First Streets, inclusive,

with the exception of East Fifth Street from Congress Avenue to East Avenue, where the walk shall be ten feet in width; that all other portions of the city shall be considered, for the purposes of this ordinance, as residence portions of this city.

ARTICLE 873. The expense incident to putting in of the above sidewalks and curbings shall be borne in each instance by the owners of abutting property, and should said owners fail and refuse, after due notice given by the City of Austin, or any of her officers, then the City of Austin shall proceed in the manner and by the means as provided by ordinance for the paving of the streets of the City of Austin; provided, however, that gravel may be used in what is known as residence portions of the city instead of cement when recommended by the City Engineer.

ARTICLE 874. The owners of property on that portion of Congress Avenue embraced between the State Capitol Building and Nineteenth Street are hereby authorized and granted the privilege of placing a curbing on the side of the graded part of the street as follows, to-wit:

On the west side, the beginning point shall be the west edge of the west gate post of the north gate of the Capitol grounds; thence north in a straight line, the northern point to be so placed that at no place will the curbing be west of the graded part of the street.

On the east side of the street the curbing line shall be as follows, to-wit:

The beginning point to be the east edge of the east gate post of the north gate of the Capitol grounds; thence north in a straight line to meet the curbing now set at the corner of Sixteenth Street and Congress Avenue and from the north end of the curbing now set between Sixteenth and Seventeenth Streets, the line shall continue north in a straight line to Nineteenth Street. The said property owners on the west side of said portion of Congress Avenue are further granted the privilege of placing a cement walk, or other walk, to be approved by the Street Committee and the City Engineer, outside of the present row of trees; the walk in front of each block to be parallel with the curbing of such block at such an elevation as the Street Committee and City Engineer may designate; and on the east side of said portion of Congress Avenue said owners are authorized and granted the right to construct such walks to be placed in line with the cement walk now completed between Sixteenth and Seventeenth Streets.

The said property owners are granted the further privilege of sloping down the grade from their respective lot lines to the contemplated new walk, thus doing away with the high banks at present existing along the west side of said portion of Congress Avenue; said property owners are also granted the right to plant one row of trees four feet inside of the curbing line in a perfectly straight line, said trees to be free from

limbs from ground up eight and one-half feet, and to be planted under the direction of the Street Committee and the City Engineer.

ARTICLE 875. The following rules are hereby prescribed fixing the width of sidewalks in the City of Austin, viz.:

1. On Congress Avenue between Eleventh Street and the Colorado River twelve feet on each side of street; on Sixth Street from eastern to western limits of city, ten feet on each side of street; on Lavaca Street from Eleventh to Nineteenth Streets, ten feet on each side; one block east and west from Congress Avenue on First, Second, Third, Fourth, Fifth, Seventh, Eighth, Ninth and Tenth, ten feet on each side.

2. On all other streets as follows, viz.: On streets twenty-five to thirty feet wide, a walk of three feet on each side; on streets fifty to sixty feet wide a walk ten feet on each side (and on all other streets not otherwise provided for which are sixty feet wide or over, one-fourth of distance between property line shall be set off on each side of the street for sidewalks and grass plots, leaving one-half of the distance for passage of vehicles, and on such vehicle passageways there shall be no poles, trees or other obstacles, except street car poles in the center of Congress Avenue; provided, however, that in no case shall a property owner make any extensions whatever under this ordinance or any other ordinance in existence except with the written consent of the City Engineer and Street Committee.

ARTICLE 876. That the corners of all sidewalks on intersecting streets mentioned in Article 862, including North Congress Avenue and intersecting streets, where such sidewalks have been or may hereafter be widened or extended in accordance with the terms of this ordinance, the corners so formed by such extension shall be rounded, so as to make a curve at said corners of a radius of not less than seven feet, and all curbing now in place or to be placed shall be made to conform to the requirements hereof, and all obstructions at said corners shall be removed.

ARTICLE 877. The width of sidewalks on each side of East Avenue shall be and are hereby fixed at twelve feet, and the graded portion of East Avenue shall be thirty-eight feet on either side of said street, thereby leaving in the center of said street the space of one hundred feet running the entire length of East Avenue to Nineteenth Street to the Colorado River, which said space, except for the cross streets, shall be used exclusively for parks and walks for pedestrians.

ARTICLE 878. On the one hundred feet reserved in the center of East Avenue it shall be lawful, and permission is hereby given to the adjoining property owners on each side of East Avenue to improve the said one hundred feet in the center of East Avenue, and to plant trees therein, and to beautify same and to utilize same as a park and foot-way, provided they submit a general plan of said improvements to be

so made to the Street Committee and City Engineer of the City of Austin and first obtain in writing the consent of said Committee and Engineer.

II. DISPLAY OF MEAT, ETC., PROHIBITED.

ARTICLE 879. It shall be unlawful for any person or persons in this city to display on or over the sidewalks of Congress Avenue from Third Street to Eleventh Street, or on Sixth Street from Red River Street to San Antonio Street, any meats, game, fish or oysters, or to deposit on said sidewalks within said limits any pelts of any kind.

ARTICLE 880. It shall be unlawful for any person or persons to carry over said sidewalks mentioned in the preceding article, at any time from October first to March first, between the hours of 9 o'clock a. m. and 4 o'clock p. m., and from March first to October first between the hours of 9 o'clock a. m. and 6 o'clock p. m., any fresh slaughtered meats or pelts; provided, that nothing in this article shall be construed to apply to daily purchasers of meat for household purposes.

ARTICLE 881. Any person or persons who shall violate any of the provisions of the two preceding articles shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by a fine of not less than five nor more than one hundred dollars for each such offense.

ARTICLE 882. This ordinance shall not be in effect between the hours of 6 o'clock p. m. and 9 o'clock a. m.

III. USE OF REGULATED.

ARTICLE 883. If any person in this city shall set up or cause to be set up, any awning post on any highway or thoroughfare, or on any sidewalk, less than the width of such sidewalk; or shall suspend, or put up any awning, sign, sample or other article less than eight feet above the sidewalk, or shall suspend or put up any sign, sign-box or fixture of any kind, which shall extend over or upon any sidewalk more than eighteen inches from the inside line of such sidewalk; or shall suspend any merchandise or other article in front of any house or other structure more than two feet from the wall thereof, or less than eighteen inches above the ground; provided, that between the hours of 7 o'clock p. m. and 6 o'clock a. m. retail dealers in fresh meats may suspend their meats over the outer edge of the sidewalk in front of their respective places of business in such manner as not to obstruct such sidewalk; or shall place or throw, or caused to be placed or thrown any article whatever, upon any thoroughfare so as to obstruct a full and free passage over any part of such thoroughfare, or shall place any box, barrel, crate or other article upon the sidewalk, or permit any of the same to remain on that portion of the sidewalk adjoining the store, house or premises controlled by him; or shall upon any sidewalk place or deposit or cause to be placed or de-

posited, any merchandise or other property for show or sale, by auction or otherwise, he shall be deemed guilty of a misdemeanor and be punished by a fine of not less than ten nor more than one hundred dollars.

ARTICLE 884. The provisions of the preceding article shall not apply to any merchant or grocer, while actually receiving or sending away any package of merchandise, if the same do not occupy more than one-half of the width of the sidewalk or remain thereon more than three hours.

IV. AWNINGS.

ARTICLE 885. It shall be unlawful for any owner, agents or users of property on Congress Avenue between the Colorado River and Eleventh Street, and on Sixth Street between East and West Avenues, to place or repair in any manner any wooden awnings on said sidewalks, and when any awning is condemned within these limits, if replaced, it shall be by a cloth or iron bracket awning to be the full width of sidewalks. Design to be approved by the Street Committee and City Engineer and filed with the City Clerk.

ARTICLE 886. Hereafter, when any new awning is to be constructed within the limits above described, or any awning within such limits is condemned, as provided by city ordinances, it shall be unlawful for the owner, lessee, or his agents or employes to erect or cause to be erected any other awning than according to the following specification or standard:

No awning is to be less than nine feet from sidewalk to the lowest part of the awning, and to be not less than twelve feet in width on Congress Avenue and ten feet on Sixth Street, and to be supported by chains to be made of five-eighths-inch metal, which are to be secured to the walls with an iron loop made of not less than one-inch metal and to extend through the wall and furnished with plate made of not less than one-fourth-inch metal and to be not less than twelve inches by twelve inches; the inside end of the loop to be threaded to receive washer and nut, the chain at the other end to be secured in the same manner, through the girder, which girder shall be not less than three pieces of two-inch by eight inches, well spiked and bolted together; where chain connections are made, to be furnished with an iron shield made to extend around the center girder with the exception of the top; all joists to be not less than two inches by six inches, spaced twenty-inch centers, sheeted with one inch by four inches beaded ceiling, and covered with tin, and furnished with an O. G. galvanized iron gutter on the outside and down spout to take off water connection to street gutter, to be returned back to wall of building with two-inch iron pipe and run under sidewalk to gutter; and should said awning not meet with the approval of the City Council after its completion, the same shall be removed upon notice to

the owner without cost to the city; or, in place of chain awnings above described, iron bracket awnings covered with metal of a pattern or design approved by City Engineer and Street Committee may be erected or constructed.

ARTICLE 887. Any person or persons violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than five dollars nor more than one hundred dollars.

CHAPTER VIII.

BRIDGES.

I. AVENUE BRIDGE.

ARTICLE 888. It shall be unlawful to drive loose horses or cattle over the bridge across the Colorado River at the foot of Congress Avenue except at such times as said river shall not be fordable, and then only in quantities of not exceeding fifteen head at one time and in one lot.

ARTICLE 889. No person shall ride or drive any animal or team over said bridge at a gait faster than a walk of three miles per hour.

ARTICLE 890. No person shall drive any team or animal with a vehicle attached containing or having attached thereto, nor shall any person carry any flying banner or other thing calculated to frighten animals.

ARTICLE 891. No person shall loaf on said bridge or sit on the railing of same.

ARTICLE 892. No person shall ride a bicycle on said bridge.

ARTICLE 893. No person shall stop any team or animal on said bridge.

ARTICLE 894. A copy of this ordinance written or printed in characters not smaller than Travis County Bridge Regulations lately posted at said bridge shall be kept posted at each end of said bridge.

ARTICLE 895. Any person violating any of the provisions of the seven preceding articles shall be punished by a fine of not less than five nor more than one hundred dollars.

II. GENERALLY.

ARTICLE 896. The City Council may at any time order the establishment, erection or repairing of any bridge, culvert or sewer in this city, subject to the provisions of the city charter, and regulate the use of the same; and may alter or change the channel of any stream or water course within the city limits, and improve the same as they deem best, and make appropriations to pay for the same.

III. FERRIES AND TOLL BRIDGES.

ARTICLE 897. The City Council may at any time, by resolution, prescribe regulations for the government of toll bridges and ferries, and

fix the fees to be charged by the same; but the owners or keepers of all ferries or toll bridges in this city shall be required to pay such license tax as is hereinafter assessed and provided for; and shall be required to keep the approaches thereto in good condition, free of charge to the city; and the condition of the approaches to any ferry or toll bridge shall be subject to the inspection of the Street Committee, and altered or repaired as ordered by them.

CHAPTER IX.

USE OF—GUARDED AND REGULATED.

I. SLEEPING ON PROHIBITED.

ARTICLE 898. Whoever shall, in this city, be asleep in the nighttime, in any street, alley, highway, square, sidewalk, or other public place, not belonging to him or them, shall be deemed guilty of a misdemeanor and, on conviction, shall be punished by fine of not less than five nor more than one hundred dollars.

II. SIGNS.

ARTICLE 899. That it shall hereafter be unlawful for any person, firm or corporation to place any sign over any part of the streets, sidewalks or gutters embraced within the following territory. viz.: That portion of Congress Avenue situated between the Colorado River and the State Capitol, any street crossing said portion of said Congress Avenue and within one block of same and Sixth Street from East to West Avenues; provided, that this ordinance shall not apply to stationary awnings; and any person violating any provision hereof shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not less than five nor more than ten dollars.

III. USE OF, WITH ANIMALS, REGULATED.

ARTICLE 900. If any person in this city shall ride or drive, load or place any animal or vehicle on any sidewalk, pavement or banquette, otherwise than in going in and out of premises owned or controlled by him or his employer, or shall ride or drive over any bridge in any gait other than a walk; or shall leave any horse or other beast of burden without the same being securely tied; or shall leave any team or beast of burden attached to a vehicle without being securely tied; or shall stop any animal or vehicle on any street or alley crossing, so as to obstruct the street or passway, he shall, on conviction, be fined not less than five nor more than one hundred dollars.

IV. OBSTRUCTIONS.

ARTICLE 901. If any person in this city shall place or throw or cause to be placed or thrown any article whatever upon any highway, street, alley, bridge or public place so as to obstruct a full and free passage over any such highway, street, alley, bridge or public place, he shall be deemed guilty of a misdemeanor and be punished by a fine of not less than ten nor more than one hundred dollars.

ARTICLE 902. Hereafter it shall not be lawful for any merchant or other person in this city to place, stack or leave any barb wire or other barbed material in, or upon any part of any sidewalk or street, within the limits of this city, and any person violating the provisions of this article, shall be punished by a fine of not less than five nor more than one hundred dollars.

ARTICLE 903. Whoever shall, in this city, cast, throw or place upon any paved sidewalk, any stone, brick or firewood, or shall cut or saw, or permit to be cut or sawed, any firewood upon such sidewalk, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine of not less than five nor more than one hundred dollars.

ARTICLE 904. Whoever, in this city, shall throw heavy or dangerous articles, or water, or slops, or any articles from the windows or doors of upper stories of houses, upon the streets, alleys, pavements or other places where people pass, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine of not less than five nor more than one hundred dollars.

ARTICLE 905. It shall not be lawful for any person engaged in building or repairing any house, store or other building to lay or place any rock, brick, boards, timber or other material for building in any of the streets or alleys of this city more than ten days before commencing to build or repair.

ARTICLE 906. It shall not be lawful for any person owning, controlling or in any manner engaged in the erection or repairing, or in the tearing down or removal of any building, to use or occupy for the placing of any rock, brick, boards, timber or other material, a greater portion of any street or alley than one-third the width of such street or alley, and no greater portion of the length of such street or alley than the front of the lot of ground under the control of such person or persons so engaged, without the consent of the person or persons owning or controlling the adjoining premises.

ARTICLE 907. It shall not be lawful for any person engaged in the erection, repairing, tearing down or removal of any building to allow any rock, brick, boards, timber or other material to remain in or upon any street or alley for a longer period than ten days after the completion of the erection, repairing, tearing down or removal of any building.

ARTICLE 908. Any person violating any of the provisions of the three preceding articles (numbered, respectively, 905, 906 and 907), shall, upon conviction, be punished by fine of not less than five nor more than one hundred dollars for each and every offense.

ARTICLE 909. Whoever, in this city, shall allow the pavements in front of any property owned or controlled by him, her or them to become unclean in any manner, or out of repair, or in such a condition, from any cause, as to endanger or interrupt free passage thereon; or shall allow weeds to grow along the pavements or sidewalks in front of any premises owned or controlled by him, her or them, where the same are on opened streets with the sidewalks paved; or shall deposit or throw on any public grounds, whether enclosed or not, any earth, ashes or other material, whether, except in places designated by the proper authority; or shall remove any earth, stone or other material from any street, square or other public ground or place, without proper authority, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine of not less than five nor more than one hundred dollars.

ARTICLE 910. No city official, employe or contractor, nor any other person, association, corporation or company, shall, in laying gas or water pipes or in erecting telephone, telegraph or electric light poles, appliances and appurtenances, or in the building of sewers, street and other railroads, or in any other improvements, where it is necessary to break the earth, or excavate the soil, or in repairing the same or in constructing or repairing ditches, drains and culverts, or in making connections with city or private sewers, dig into or break up or assist in digging into or breaking up any street, alley or other public place, unless the earth removed by such digging or breaking up, be returned and thoroughly water soaked, rammed and consolidated, so as to place the street, alley or other public place in the same condition it was before such digging or breaking up.

ARTICLE 911. When any of the persons, companies or corporations mentioned in Article 910 have heretofore dug up, excavated or broken the earth in any public place and the place so dug, excavated or broken, becomes or shall hereafter become out of repair or dangerous within the space of one year from the time of the digging, excavation or breaking, and such condition of the public place can be traced to such digging, breaking or excavation by the persons named, they shall upon notification by the City Engineer, within five days, repair the same as specified in the preceding article.

ARTICLE 912. Any person violating any of the provisions of Articles 910 and 911 shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by a fine of not less than ten nor more than one hundred dollars.

ARTICLE 913. Whenever any pavement or sidewalk adjacent to any lot, block or part of the same, shall become out of repair so as to interrupt free passage over the same, or a nuisance, whether caused from the growth of weeds or otherwise, the City Marshal shall notify the person owning or controlling the property fronting thereon to repair or remove the same; and it shall be the duty of said person to proceed to comply with said notification at once, and on failing or refusing to comply therewith, said person shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not less than five nor more than one hundred dollars.

ARTICLE 914. Where either the owner, lessee or their agent of one or more lots in this city shall use any portion of the public streets or alleys of this city for the purpose of placing building material thereon, with a view of erecting a building or making repairs on such lot or building, or for any other purpose whatsoever, it shall be the duty of such owner, lessee or their agents, to have placed at each end of such building material, at sundown, a lighted lantern, and if the space occupied by such person or persons be greater than twenty feet either way, then an additional lighted lantern shall be kept lit from sundown to daybreak.

V. OPENINGS.

ARTICLE 915. Whoever shall, in this city, dig, or cause to be dug, any excavation in or adjoining any highway, thoroughfare or other public place, and shall not, during the night, cause the same to be fenced in with a substantial fence at least three feet high, the boards or rails of which shall not be more than one foot apart, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not less than five nor more than one hundred dollars.

ARTICLE 916. Whoever shall, in this city, dig, or cause to be dug, in any highway, thoroughfare or sidewalk, a vault, and shall not arch or cover over the same, and secure the grating or covering thereof in such manner as to prevent persons, animals and vehicles from falling therein, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not less than five nor more than one hundred dollars.

ARTICLE 917. Whoever, in this city, shall keep or leave open any cellar door, covering or grating of any vault, on any highway, thoroughfare or sidewalk, or shall suffer any such door, covering or grating belonging to the premises occupied by him on any such place, to be in an insecure condition, whereby passersby may be in danger of falling into a cellar or vault, shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined not less than five nor more than one hundred dollars.

VI. POSTERS, SIGNS, ETC.

ARTICLE 918. It shall be unlawful for any person, firm or corporation within the City of Austin to throw or place, or cause to be placed, any loose paper or papers of any kind or character in the streets or alleys of the City of Austin.

ARTICLE 919. It shall also be unlawful for any person, firm or corporation to place or cause to be placed in any street, alley or sidewalk in the City of Austin any posters or advertising matter in the form of paper bills or advertisements, or to place the same in any street or alley in the City of Austin in such a manner or in such a way that the same is liable to become loose and blow about the streets or alleys of the City of Austin.

ARTICLE 920. Any person, firm or corporation desiring to put loose papers in trash boxes shall cause the same to be securely covered, so that the papers and trash therein shall not be blown out about the streets and alleys of the city, but shall be securely confined in said receptacle.

ARTICLE 921. Any person, firm or corporation violating the provisions of the three preceding articles shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined not less than five nor more than one hundred dollars.

ARTICLE 922. It shall be unlawful for any person, firm or corporation to place any sign, placard, notice, bulletin board or advertising device of any nature or kind whatsoever, upon or against any pole erected, used or maintained in any street in the City of Austin for the support of any telegraph, telephone or electric light wire or wires.

ARTICLE 923. Any person who shall violate the provisions of the preceding article shall be deemed guilty of a misdemeanor, and, upon conviction thereof, he shall be fined in any sum not less than five, nor more than one hundred dollars.

ARTICLE 924. It shall be the duty of the City Marshal to remove any signs, bulletin boards, bill boards or advertising placards and designs of any kind now upon, attached to or against any telegraph, telephone or electric light pole in any street in the city or which may hereafter be placed on any such pole in such manner as to violate the provisions of Article 909.

VII. BICYCLES, ETC.

ARTICLE 925. It shall not be lawful for any person to ride on, propel or be carried by or on a bicycle, tricycle, velocipede or other vehicle or appliance of like or analogous character on any sidewalk of any street of the City of Austin which may be curbed or separated from the rest of the street; provided, that this ordinance shall not apply to infants under the age of ten years.

ARTICLE 926. It shall be unlawful for any person to ride a bicycle, tricycle or velocipede on any street, sidewalk or other highway within the City of Austin after dark without having a light plainly displayed from the front of such bicycle, tricycle or velocipede.

ARTICLE 927. Any person who shall violate any of the provisions of the two preceding articles shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than five nor more than one hundred dollars.

VIII. VENDING ON PROHIBITED.

ARTICLE 928. It shall be unlawful for the owner, driver or person in charge of any moving van, express wagon, vehicle from which wood, fruit, vegetables or other goods or produce of any character whatsoever is being sold by retail, to stop or permit such vehicle to stand, for the purpose of selling same on any street, alley, sidewalk or other public place of the city embraced in the following territory, viz.: (1) On or within one-half block of any portion of Congress Avenue embraced between the Colorado River and the State Capitol, and (2) on or within one-half block of any portion of Sixth Street embraced between East and West Avenues.

ARTICLE 929. Any person violating any provision of the preceding article shall be fined not less than five nor more than one hundred dollars.

ARTICLE 930. It shall be unlawful for any person vending goods, wares or merchandise of any kind whatever on Congress Avenue, between the Colorado River and the north side of Eleventh Street, and on Sixth Street between East and West Avenues, or on any street crossing said streets within one-half block of same, or on any sidewalk of said streets, to carry or hold or have such goods, wares or merchandise in a box, basket or pack larger than eighteen by twenty-four (18x24) inches square and not over eighteen inches deep.

ARTICLE 931. Stands on street corners where the venders rent or have permission from the occupant or owner of the building on such corner shall not occupy a space wider than eighteen (18) inches on the sidewalk and shall be next to and against the wall of the building, and at such corners there shall be no other obstruction on the sidewalk.

ARTICLE 932. That it shall be unlawful for any vender to stop or stand or loiter on the corners of Sixth Street and Congress Avenue or within one-half block of said corners.

ARTICLE 933. Any person violating the three preceding articles upon conviction shall be fined not less than five nor more than one hundred dollars.

ARTICLE 934. The four preceding articles shall apply only to such venders as sell home-made products.

ARTICLE 935. The following territory within the City of Austin be and the same is hereby designated as the market place of said city, to-wit: That portion of East Avenue embraced between Sixth and Seventh Streets.

ARTICLE 936. Henceforth it shall be unlawful for any owner, driver or other person in possession of any watermelon wagon, hay wagon, wood wagon, charcoal wagon or vegetable wagon to use any other territory than that above designated for the purpose of a market place.

ARTICLE 937. The City Marshal is hereby specially instructed to see to the enforcement of the above provisions.

ARTICLE 938. Any person violating any of the provisions of the foregoing articles shall, upon conviction thereof, be fined not less than five nor more than twenty-five dollars.

ARTICLE 939. Block 59 and the public squares of the City of Austin are hereby designated as stands for venders of wood, hay and poultry brought to this city on wagons.

ARTICLE 940. All venders of wood, hay and poultry coming to this city with said articles, on wagons, are hereby directed to place or have their wagons placed on said block 59, or the public squares of the City of Austin, and it shall be unlawful for any person or persons having said articles for sale to take stand upon any of the streets or alleys of this city; provided, that this ordinance shall not interfere with hucksters who pay a license to the city for plying their vocation.

ARTICLE 941. It is made the duty of the City Marshal to instruct his police force to notify all persons described in Articles 928, 930, 936 and 940, who have taken or may hereafter take, "stand" on any of the streets or alleys of this city, of the existence of this ordinance.

ARTICLE 942. It shall be a misdemeanor for any person or persons to violate Articles 939, 940 or 941, and any person or persons so violating shall, on conviction thereof, be fined not less than five nor more than twenty-five dollars for each and every offense.

TITLE XXXVII.

SUNDAY.

CHAPTER I.

OBSERVANCE OF REGULATED.

ARTICLE 943. If any person in this city shall labor, or compel, force or oblige his employes, workmen or apprentices, to labor on Sunday between the hours of 9 o'clock a. m. and 4 o'clock p. m. he shall, on conviction, be fined not less than ten nor more than one hundred dollars.

ARTICLE 944. The preceding article shall not apply to household duties, works of necessity or charity, nor to rail cars, wagon trains, common carriers, nor to the delivery of goods by them, or the receiving or storing of said goods by the parties, or their agents, to whom said goods are delivered; nor to stages carrying the United States mail, or passengers; nor to foundries; nor to persons traveling; nor to ferrymen, or keepers of toll bridges, keepers of hotels, boarding houses and restaurants and their servants; nor to keepers of livery stables and their servants; nor to any person who conscientiously believes that the seventh, or any other day of the week, ought to be observed as the Sabbath, and who actually refrains from business and labor on that day for religious reasons.

ARTICLE 945. Any person who shall run, or be engaged in running, any horse race, or who shall permit or allow the use of any nine or ten-pin alley, or who shall be engaged in match shooting, or any species of gaming for money, or other consideration, within the limits of this city on Sunday, shall, on conviction, be fined not less than twenty nor more than one hundred dollars.

ARTICLE 946. If any person shall, on Sunday, between the hours of 9 o'clock a. m. and 4 o'clock p. m., sell, or offer for sale, give away, or in any other manner dispose of any spirituous, vinous, malt, or other intoxicating-liquors, he shall, on conviction, be fined not less than twenty nor more than one hundred dollars.

ARTICLE 947. Any merchant, grocer or dealer in any wares or merchandise, other than those mentioned in the preceding article, or trader in any lawful business, who shall barter or sell any goods, wares or merchandise whatever on Sunday, between the hours of 9 o'clock a. m.

and 4 o'clock p. m. shall, on conviction, be fined not less than twenty nor more than one hundred dollars.

ARTICLE 948. The provisions of the preceding article shall not apply to sales of burial or shrouding material, nor to the sale of newspapers, ice or milk, nor to the sending or receiving of telegraph messages, nor to the sale of drugs and medicines.

ARTICLE 949. If the owner, proprietor, agent, employe, or person in charge of any barroom, saloon or other establishment, by whatsoever name the same may be known or called, where any vinous, spirituous, malt or other intoxicating liquors are sold, or kept for sale, shall, on Sunday, between the hours of 9 o'clock a. m. and 4 o'clock p. m. keep open the door or doors of any such establishment, he shall on conviction, be fined not less than ten nor more than one hundred dollars. /

ARTICLE 950. If any person shall on Sunday, between the hours of 9 o'clock a. m. and 4 o'clock p. m., play at any game of billiards, pool, bagatelle, Jenny Lind or pigeon hole, in any public place, or house, baseball, or other game of like kind, or shall allow any such game to be played in any public place, or house, or upon any premises, or place in his charge, or under his control, he shall, on conviction, be fined not less than ten nor more than one hundred dollars.

ARTICLE 951. That it shall not be lawful to march in any procession with music, or otherwise, through any street or other public place on Sunday, or to perform, or be engaged in giving any theatrical exhibition or musical concert in any saloon, or public place, on Sunday in this city, and any person violating the provisions of this article shall, on conviction, be fined not less than ten nor more than one hundred dollars.

ARTICLE 952. The provisions of the preceding article shall not apply to funeral processions, nor to cases where the Mayor shall give his permission, and the Mayor shall have the right to give permission in all cases mentioned in the preceding article.

TITLE XXXVIII.

TAXATION.

CHAPTER I.

PROPERTY SUBJECT TO.

ARTICLE 953. All property, real, personal or mixed, made taxable by the laws of the State of Texas, which is situated in the City of Austin, on the first day of January of each year, and all personal property owned or controlled by persons residing herein and taxable by law at the place where the owner or agent in charge may reside, shall be subject to taxation by said city for all purposes provided in the charter, including the support of the public free schools of said city.

ARTICLE 954. Real property, for the purpose of taxation, shall be construed to include the land itself, whether laid out in town lots or otherwise, and all the buildings, structures and improvements, or other fixtures of whatsoever kind thereon, and all the rights and privileges belonging or in anywise appertaining thereto, and all mines, minerals, quarries and fossils in and under the same.

ARTICLE 955. Personal property shall, for the purposes of taxation, be construed to include all moneys, whether in possession or on deposit, or in the hands of any member of the family or any other person whatsoever; all goods, chattels, credits and effects, wheresoever they may be in the city; all boats and vessels, and all capital invested therein; all moneys at interest due the person, to be taxed over and above what he pays interest for, and all other debts due such person over and above their indebtedness; all public stocks and securities; all stock in turnpikes, railroads and canals and other corporations; all personal estate of moneyed corporations, whether the owners thereof reside in or out of this city, and the income of any annuity; all shares in any bank organized, or that may be organized under the laws of the United States; all improvements made by persons upon lands held by them, the title to which is still vested in the State of Texas, or in any railroad company, or which have been exempted from taxation for the benefit of the railroad company, or any other corporation or corporations whose property is not subject to the same mode and rule of taxation as other property: provided, that nothing in this article shall be so construed as to exempt from taxation any improvements on lands granted to

any railroad company or other corporation and exempted from taxation for a term of years.

ARTICLE 956. The term money or moneys wherever used in this chapter shall, besides money or moneys, include every deposit which any person owning the same, or holding in trust, is entitled to withdraw in money on demand. The term credits, wherever used in this chapter, or any other ordinance regulating the assessment or collection of taxes, shall be held to mean and include every claim and demand for money or other valuable thing, and every annuity or sum of money receivable at stated periods, due or to become due, and all claims and demands secured by deed or mortgage, due or to become due. The terms tract or lot and piece or parcel of real property and piece and parcel of land, wherever used in this chapter, or any other ordinance regulating the assessment and collection of taxes, shall each be held to mean any quantity of land in possession of, owned by or recorded as the property of the same claimant, person, company or corporation.

Every word importing the singular number only may extend to and embrace the plural, and every word importing the plural number may be applied and limited to the singular number; and every word importing the masculine gender only may be extended and applied to females as well as males. Wherever the word oath is used in this chapter, or in any other ordinance regulating the assessment and collection of taxes, it shall be held to mean oath or affirmation; and the word swear, in this chapter or any other ordinance regulating the assessment and collection of taxes, may be held to mean affirm. The term true and full value, wherever used in this chapter, or any other ordinance regulating the assessment and collection of taxes, shall be held to mean the fair market value, in cash, at the place where the property to which the term is applied shall be at the time of assessment, being the price which could be obtained therefor at private sale, and not at forced or auction sale. The term person, wherever used in this chapter, or any other ordinance regulating the assessment and collection of taxes, shall be construed to include firm, company or corporation.

ARTICLE 957. All property described in this article to the extent herein limited, shall be exempt from taxation; that is to say:

1. Public school houses, and houses used exclusively for public worship, the books and furniture therein and the grounds attached to such buildings necessary for the proper occupancy, use and enjoyment of the same; and all the lands connected with public institutions of learning, and all endowment funds of institutions of learning not used with a view to profit; and all buildings used exclusively and owned by persons, or associations of persons, for such purposes. This provision shall

not extend to leasehold estates of real property held under the authority of any college or university of learning in this city.

2. All lands used exclusively for graveyards, or grounds for burying the dead, except such as are held by any person, company or corporation, with a view to profit, or for the purpose of speculation in the sale thereof.

3. All property, whether real or personal, belonging exclusively to this State or the United States.

4. All buildings belonging to the county used for holding courts, for jails, for county officers, with the land belonging to and on which such buildings are erected.

5. All lands, houses and other buildings belonging to the county and used exclusively for the support or accommodation of the poor.

6. All buildings belonging to institutions of purely public charity, together with the lands belonging to and occupied by such institutions, not leased or otherwise used with a view to profit; and all moneys and credits appropriated solely to sustaining and belonging exclusively to such institutions.

7. All public libraries and personal property belonging to the same.

8. Household and kitchen furniture not exceeding, at their true and full value, the amount of two hundred and fifty dollars to each family, in which may be included one sewing machine.

ARTICLE 958. Pensions granted by the Fifteenth Legislature to the surviving soldiers and volunteers of the Texas Revolution, and the surviving signers of the Declaration of Texas Independence, and the surviving widows of such soldiers, signers and volunteers shall not be taxed.

ARTICLE 959. All property of railroad companies of whatever description lying or being within the City of Austin on the first day of January of each year shall bear its proportionate share of municipal taxation, and if any such property shall not have been heretofore rendered for taxation for any year, the same shall be assessed and taxes collected thereon in the same manner as herein provided for other un-rendered property of previous years.

ARTICLE 960. There shall be assessed against and collected from every public institution, company and corporation, except such as are now exempted by law from taxation, an ad valorem tax, in like manner with individuals on all property owned by any such institution, company or corporation in the limits of the city, except such property as may be exempted by law from taxation.

CHAPTER II.

AMOUNT AND PURPOSE OF TAX.

ARTICLE 961. The City Council shall have the power within the city by ordinance to levy and collect an annual tax, not exceeding for all purposes, including taxes levied for the support of public schools, two and one-half per cent of property values within the said city, and such taxes shall be levied at the first regular meeting in May of each year, as follows:

1. An annual tax not exceeding one per cent on all property within the limits of said city, made taxable by law for State and county purposes, the money raised by said taxes to be used for current expenses and for general improvement of the city and its property, and at least one-fourth thereof shall be set apart and devoted to the improvement of streets and building of bridges within the city; and a part of said general revenue, not to exceed one-fourth of one per cent of the total taxable values, as aforesaid, of said city may, by the City Council, be appropriated and pledged for the liquidation, settlement and payment of the money to become due by virtue of the terms of any contract which may be by said city made for the purchase of any water, light or power plant at present owned and operated in said city by private persons or corporations. Whenever the City Council shall by ordinance enacted in pursuance of the power above granted, pledged and set aside any specific portion of its general revenues, not exceeding the proportion above mentioned, for the payment of money due by virtue of the terms of such contract, such pledge and appropriation shall continue to be a binding and irrevocable contract as to the owners of the claim, which it is pledged to secure, until the claim thereby secured shall be fully paid and discharged; the provisions herein contained are not applicable to the contracts or claims or judgments which may result or have resulted from or in the issuance of bonds.

2. To raise such further amount as may be necessary to pay interest and two per cent sinking fund annually on all bonded debts of the city.

3. To raise money on the credit of the city for a special and definite purpose, by issuing bonds of the city or otherwise; provided, the bonded debt of the city shall only be increased by a special act of the Legislature or by consent of two-thirds of the qualified voters in said city, who pay taxes on property, real or personal, in said city. All persons owning property, real or personal, subject to taxation in the said city on the first day of January next preceding any election that may be held to obtain such consent shall be deemed to be persons who pay taxes on property in said city. Such election shall be ordered by the City Council, and

notice thereof shall be given for at least thirty days by the Mayor in such manner as may be prescribed by the City Council; provided, that whatever power the City Council may have possessed or acquired under the charter in force in said city prior to the passage of this act, through any election held under said charter to increase the indebtedness of said city, is hereby continued and perpetuated in said Council, and may be exercised under this act with the same effect that such power might have been exercised under said charter, if this act had not been passed, and to no further force or extent under this act than might have been done without the passage of this act; provided, that lands within the limits of the city which have not been laid off into blocks and lots shall not be assessed for taxes otherwise than by the acre, and shall continue to be so assessed and taxed until laid off into lots and blocks by the owners thereof, and the owners of such lands, in laying off the same into lots and blocks, shall so arrange the streets that they shall correspond as nearly as practicable with previously established streets of the city.

ARTICLE 962. The City Council shall not repeal any tax levy after it has once finally passed same and after taxes have been partially collected thereunder.

CHAPTER III.

TAX LISTS AND LISTING OR ASSESSING.

I. GENERALLY.

ARTICLE 963. The City Council shall have power by ordinance to regulate the mode and manner of making out tax lists, inventories and appraisements of property for taxation and to prescribe the oath that shall be administered to each person on such rendition of his property, and to prescribe how, when and where property shall be rendered, and to prescribe the number and form of assessment rolls, and to fix the duties and to define the powers of the City Assessor and Collector and adopt such measures as the Council may deem advisable to secure the assessment of all property subject to taxation within the city, and to collect the taxes due thereon; and may by ordinance provide that any person, firm or agent in control, having property subject to taxation, or being liable for any tax under the provisions of the charter, and neglecting, failing or refusing to render a list, inventory and appraisal thereof, or failing or refusing to make oath thereto, as required by the ordinance of said city, shall be liable to fine and imprisonment or either, as may be prescribed.

ARTICLE 964. All property shall be listed for taxation between January 1 and June 1, in each year, when required by the assessor, with

reference to the quantity owned or held on the first day of January, in the year for which the property is required to be listed or rendered. Any property, real or personal, purchased or acquired on the first day of January shall be listed by or for the person purchasing or acquiring it; provided, if any property is listed or assessed on or after the first day of June, the same shall be legal and binding as if assessed before that time.

ARTICLE 965. All real estate and personal property liable to city taxation shall be assessed in accordance with the laws of the State of Texas, except where otherwise provided for by ordinance.

ARTICLE 966. The Assessor shall be responsible for a correct assessment of all real estate and personal property within the limits of the city.

ARTICLE 967. There shall be levied and collected an annual tax, not exceeding one per centum, upon all property in the city, made taxable by law for State and county purposes; and the City Council shall, on or before the first Monday in May of each and every year, fix by ordinance the amount of per centum for each annual levy of ad valorem taxes to be assessed and collected for such year.

II. LISTING AND ASSESSING REGULATED.

ARTICLE 968. The assessing and levying of taxes shall be provided for by the City Council by ordinance.

ARTICLE 969. The Assessor shall, on the first day of January of each and every year proceed to assess all property within the city subject to taxation against the person or persons owning or controlling the same, on the first day of January of each and every year, at its true and full value in money, and in determining which value he shall not adopt a lower or different standard of value because same is to serve as a basis of taxation, nor shall he adopt as a criterion of value the price for which said property would sell at auction or at forced sale, or in the aggregate with all the property in the city, but he shall value each tract or lot by itself, and the improvements by themselves and at such sum or price as he believes the same to be fairly worth in money at the time such assessment is made.

ARTICLE 970. The Assessor shall by advertisement in the official newspaper of the city, or by posters, require all persons who own or control real estate or personal property in the city to call at his office and render the same for taxation between the first day in January and the first day in June in each and every year, and it shall be the duty of every person, company or corporation owning or controlling taxable property within the limits of the city on or before the first day of June to render to the Assessor of the city a full and complete inventory of the property possessed or controlled by him, her or them,

on the first day of January of the current year. The Assessor of Taxes is hereby authorized and empowered to administer all oaths necessary to obtain a full, complete and correct assessment of all taxable property of this city, and he shall require each person rendering a list of taxable property to him for taxation to subscribe to the following oath or affirmation, which shall be written or printed at the bottom of each inventory, to wit: I,, do solemnly swear, or affirm, that the above inventory rendered by me contains a full, true and complete list of all taxable property held by me, in the City of Austin, Texas, subject to taxation by the ordinances of said city on the first day of January, , and that I have true answers made to all questions propounded to me touching the same, so help me God.

ARTICLE 971. The Assessor is authorized to demand of every person owning or having charge of any taxable property, as agent, guardian, curator, trustee or otherwise, a list of such property, with such description as will enable him to list and assess the same; and shall have the power, and is required, to examine the party under oath touching the same.

ARTICLE 972. Any person or persons refusing to list his, her or their property as aforesaid, or to testify under oath concerning property belonging to him or her, or under his, her or their charge, or deliver a correct description of their property to the Assessor when called upon by him, or wilfully omit any such property from the list furnished by him, her or them, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than five nor more than one hundred dollars.

ARTICLE 973. If the Assessor finds property within the city the owner of which is unknown, he shall apply to the County Clerk's office for the requisite information, and take such other means as may be in his power to obtain the same, failing which he shall assess it at its value and mark the property as that of an owner unknown.

ARTICLE 974. Every person of full age and sound mind, who is a resident of this city, shall list or render his or her own real estate, moneys, bonds or stock of joint stock or other companies, moneys loaned or invested, annuities, franchises, purchases, royalties, and all other real and personal property situated in this city; and the Assessor and Collector is hereafter prohibited from receiving or accepting the rendition or assessment of any property of any character whatsoever from any other person, other than the owner thereof, who is a resident of the city, except in the following cases:

1. Property of minor shall be listed by his guardian or the person having such property in charge.

2. Property of a wife, by her husband, if of sound mind ; if not, by herself.

3. Property of an idiot or lunatic, by the person having charge of such property.

4. Property of a person for whose benefit it is held in trust, by the trustee; of the estate of a deceased person, by the executor or administrator.

5. Property of corporations in hands of receiver, by such receiver.

6. Property of a body politic or corporate, by the president or proper agent or officer thereof.

7. Property of a firm or company, by a partner thereof.

8. Property of manufacturers and others, non-residents of the city in the hands of an agent, by such agent in the name of his principal as real, personal and merchandise.

ARTICLE 975. All property, real and personal, not exempt by law, shall be listed and assessed as herein provided.

ARTICLE 976. All railroad, telegraph, plank road, and turnpike companies shall list all of their real and personal property, giving the number of miles of roadbed and line in the city.

ARTICLE 977. Persons required to list property on behalf of others shall list it in the same manner in which they are required to list their own, but they shall list it separately from their own, specifying in each case the name of the person, estate, company or corporation to whom it belongs.

ARTICLE 978. Each person required by this chapter to list property shall make and sign a statement, verified by his oath, as required by law, of all property, both real and personal, in his possession or under his control, and which by the provisions of this chapter he is required to list for taxation, either as owner or holder thereof, or as guardian, parent, husband, trustee, executor, administrator, receiver, accounting officer, partner, agent or factor; provided, that no person shall be required to list or render a greater portion of his credits than he believes will be received or can be collected, or to include in his statement as a part of his personal property, which he is required to list, any share or portion of the capital stock or property of any company or corporation which he is, or which is, required to list or return its capital and property for taxation in this city.

ARTICLE 979. Such statements shall truly and distinctly set forth:

1. The name of the owner.
2. The number of acres, when not laid out in blocks or lots.
3. Value of the land.
4. Value of the improvements thereon.
5. The number of the block.

6. The number of the lot, and the value thereof.
7. The value of the improvements thereon.
8. The number of miles of railroad and roadbed in the city.
9. Value of railroad and appurtenances, including the proportionate amount of rolling stock to the city.
10. Number of miles of telegraph in the city.
11. Value of telegraph and appurtenances in the city.
12. Number and amount of land certificates, and value thereof.
13. Number of horses and mules, and value thereof.
14. Number of cattle, and value thereof.
15. Number of jacks and jennets, and value thereof.
16. Number of sheep, and value thereof.
17. Number of goats, and value thereof.
18. Number of hogs, and value thereof.
19. Number of carriages, buggies or wagons, of whatsoever kind, and value thereof.
20. Number of sewing machines and knitting machines, and value thereof.
21. Number of clocks and watches, and value thereof.
22. Number of organs, melodeons, pianofortes and all other musical instruments of whatsoever kind, and value thereof.
23. The value of household and kitchen furniture over and above the amount of two hundred and fifty dollars.
24. Office furniture, and the value thereof.
25. The value of gold and silver plate.
26. The value of diamonds and jewelry.
27. Every annuity or royalty, the description and value thereof.
28. Number of steamboats, sailing vessels, wharf boats, barges, or other water crafts, and the value thereof.
29. The value of goods, wares and merchandise of every description, which such person is required to list as a merchant (in hand on the first day of January each year).
30. Value of materials and manufactured articles which such person is required to list as manufacturer.
31. Value of manufacturer's tools, implements and machinery, other than boilers and engines, which shall be listed as such.
32. Number of steam engines, including boilers, and the value thereof.
33. Amount of moneys of bank, banker, broker or stock jobber.
34. Amount of credits of bank, banker, broker or stock jobber.
35. Amount of moneys other than of bank, banker, broker or stock jobber.

36. Amount of credits other than of bank, banker, broker or stock jobber.

37. Amount and value of bonds and stocks (other than United States bonds).

38. Amount and value of shares of capital stock companies and associations not incorporated by the laws of this State.

39. Value of property of companies and corporations other than property hereinbefore enumerated.

40. Value of stock and furniture of saloons, hotels and eating houses.

41. Value of every billiard, pigeon-hole, bagatelle, or other similar table, together with the number thereof.

42. Every franchise, the description and value thereof.

43. Value of other property not enumerated above.

ARTICLE 980. Every bank, whether of issue or deposit, banker, broker, dealer in exchange, or stock jobber, shall, at the time fixed by this chapter for listing personal property, make out and furnish the Assessor of Taxes a sworn statement showing:

1. The amount of money on hand or in transit.

2. The amount of funds in the hands of other bankers, brokers or others, subject to draft.

3. The amount of checks or other cash items, the amount thereof not being included in either of the preceding items.

4. The amount of bills receivable, discounted or purchased, and other credits due, or to become due, including accounts receivable, interest accrued but not due, and interest due and unpaid.

5. The amount of bonds and stocks of every kind, and shares of capital stock of joint stock or other companies or corporations, held as an investment, or in any way representing assets.

6. All property appertaining to said business, other than real estate (which real estate shall be listed and assessed as other real estate is listed and assessed under this chapter or any other ordinance).

7. The amount of all other deposits made with them by other parties.

8. The amount of all accounts payable, other than current deposit accounts.

9. The amount of bonds or other securities exempt by law from taxation, and the amount of shares of stock of any company or corporation which is required to list its capital for taxation, specifying the amount and kind of each, the same being included in preceding fifth item.

The aggregate amount of the first, second and third shall be listed as money; the amount of the sixth item shall be listed the same as other personal property is listed under this chapter; the aggregate amount of the seventh and eighth items shall be deducted from the aggregate

amount of the first, second, third and fourth items of said statement, and the amount of the remainder, if any, shall be listed as credits; the aggregate amount of the ninth item shall be deducted from the aggregate amount of the fifth item of such statement, and the remainder shall be listed as bonds or stocks.

ARTICLE 981. No person, company or corporation shall be entitled to any deduction on account of any bond, note or obligation of any kind, given to any mutual insurance company; nor on account of any unpaid subscription to any religious, literary, scientific or charitable institution or society; nor on account of any subscription to or installments payable on the capital stock of any company, whether incorporated or unincorporated.

ARTICLE 982. It shall be the duty of every railroad corporation to deliver a sworn statement, on or before the first day of April in each year to the Assessor, containing a classified list of all property owned or in possession of said company, specifying:

1. The number of acres of land and the number of blocks and lots owned, possessed or appropriated for their use, with a valuation affixed to the same, deducting such portions, if any, as are already devoted to public uses and purposes.

2. The whole length of their superstructure, and value thereof; and construing "superstructure" to mean the ties, chairs, rails, spikes, frogs and switches, whether such superstructure be laid on land or on artificial foundation.

3. The buildings, machinery and tools therein, belonging to the company or in their possession, describing them by the location, with the estimated value.

ARTICLE 983. It shall be the duty of every railroad corporation owning any road in this city to deliver a sworn statement, on or before the first day of April in each year, to the Assessor, setting forth the true and full value of the rolling stock of such railroad; and the same shall be rendered and listed for taxes to the Assessor, and shall be proportioned to the city as the number of miles of such railroad in the city is to the entire number of miles of the railroad.

ARTICLE 984. All property of private corporations, except in cases where some other provision is made by law, shall be assessed in the name of the corporation; and in collecting the taxes on the same, all personal property of such corporation shall be liable to be seized wherever the same may be found in the city and sold in the same manner as the property of individuals may be sold for taxes.

ARTICLE 985. All real and personal property in this city, subject to taxation under the law, shall be assessed to the owners thereof in the manner provided by ordinance; provided, that no assessment of real

property shall be considered illegal by reason of the same not being listed or assessed in the name of the owner or owners thereof. All statements and lists made under this chapter by corporations that are required to be sworn to shall be verified by the affidavit and signature of the secretary of said corporation, and if they have no secretary, the officer who discharges the duties of secretary of said corporation.

ARTICLE 986. Property held under a lease for a term of years, or a contract for a purchase thereof, belonging to this State, or any religious, scientific or benevolent society or institution, whether incorporated or unincorporated, or to any railroad company or other corporation whose property is not taxed in the same manner as other property, and school or other State lands, shall be considered for all purposes of taxation as the property of the persons so holding the same.

ARTICLE 987. 1. Each separate parcel of real property shall be valued at its true and full value in money.

2. In determining the true and full value of real and personal property, the Assessor shall not adopt a lower or different standard of value because the same is to serve as a basis of taxation; nor shall he adopt as a criterion of value the price for which said property would sell at auction or at a forced sale, or in the aggregate with all the property in the city; but he shall value each tract by itself, and the improvements thereon, and at such sum or price as he believes the same to be fairly worth in money at the time such assessment was made.

3. In valuing any real property on which there is a coal or other mine, or stone or other quarry, or springs possessing medicinal properties, the same shall be valued at such a price as such property, including a mine, or quarry, or spring, would sell at a fair, voluntary sale for cash.

4. Taxable leasehold estates shall be valued at such a price as they would bring as fair, voluntary sale for cash.

5. Personal property of every description shall be valued at its true and full value thereof in money.

6. Money, whether in possession or on deposit, or in the hands of any member of the family, or any other person or persons whatsoever, shall be entered in the statement at the full amount thereof.

7. Every credit for a sum certain, payable either in money or property of any kind, shall be valued at the full value of the same so payable. If for a specific article, or for a specific number or quantity of property of any kind, which shall be valued at the current price of such property.

ARTICLE 988. Annuities, or moneys payable at stated periods, shall be valued at the price that the person listing the same believes them to be worth in money.

ARTICLE 989. The City Assessor shall list all property which for

any cause has not been rendered to him for taxation in such form as may be prescribed by ordinance and place such valuation thereon as he may deem just. If the owners of such property are unknown to the Assessor he shall so state, and such assessment shall be sufficient warrant for the collection of taxes due upon said property by seizure and sale or suit, as herein provided for the collection of taxes on other property.

ARTICLE 990. If the City Assessor and Collector shall discover any property, real or person, which was subject to taxation for any year heretofore, and which from any cause has escaped taxation, he shall require the same to be listed and assessed according to the rate of taxation levied for the year or years it was omitted, and enter the same as a supplement to his next roll, stating the year, and the taxes thereon shall be collected in the same manner as other assessments; provided, that such supplement rolls may be made at any time and reported to the City Council for its approval, and any number of such rolls may be made that may be necessary.

ARTICLE 991. The City Assessor and Collector shall make out the assessment roll so as to show the names of the parties against whom property is assessed, where the name is given (and if unknown it shall be so stated) such description of the property as will identify it, separating personal from real property, the value of personal property, the value of each separate lot or tract of real property, the total value of personal property, the total value of real property, the amount of the several special and general taxes.

ARTICLE 992. Should any property, real or personal, not assessed by June 1, come to the knowledge of the Assessor, he shall assess the same upon a supplemental roll.

ARTICLE 993. The Assessor shall transfer from the assessment books, one for each ward, a full and complete list of all real estate and improvements thereon, situated in each ward, showing to whom the block, lots and improvements belong, and the assessed value thereof.

ARTICLE 994. The Assessor and Collector shall prepare one or more indexed books in which to list all taxable property, when rendered, giving the name of the owner and describing the blocks, lots, and the value thereof, the improvements and the value thereof, and charge all personal property to the owner, with his real estate, if he has any, and when rendered by the owner or agent, said owner or agent shall subscribe and swear to the correctness of the same; and if any person shall fail to render his, her or their property, the Assessor shall, after the first day of March, proceed to examine such property not rendered, and assess the same at its true and full value.

ARTICLE 995. Any person or persons who may be dissatisfied by said

assessment, or any other assessment made by the Assessor, shall have the right to appeal to the Board of Appraisers and Equalization when in session, and have his or her assessment examined and corrected.

CHAPTER IV.

BOARD OF EQUALIZATION.

I. ORGANIZATION AND ITS POWERS AND DUTIES.

ARTICLE 996. There shall be a Board of Equalization, composed of three resident freeholders of the City of Austin, who shall be appointed by the Mayor and confirmed by the City Council after each election in said city, each of whom shall take the oath of office prescribed by the Constitution of the State of Texas, who shall hold their office for the term of two years from their appointment and qualification.

ARTICLE 997. They shall, as soon after their election and qualification as may be, organize by electing one of their number president and another secretary.

ARTICLE 998. Said Board of Equalization shall enter upon the discharge of their duties after their organization and remain in session from day to day (Sundays and holidays excepted) for not exceeding ninety days. Each member shall receive as compensation for his services the sum of five dollars per day for each day that he may be actually and necessarily engaged in the discharge of their duties as a Board; provided, that no member shall be paid for any day upon which he may fail to attend; and provided, that the president and secretary shall, in rendering their account for per diem of the Board, certify to the actual number of days each member has attended, and each day's attendance shall consist of not less than eight hour's actual session; and provided, further that the said Board may adjourn their sessions from one day to another for the purpose of giving notice to persons to appear before them, as above provided.

ARTICLE 999. Said Board shall have power and it shall be the duty of said Board to equalize the taxable values of property, real and personal, within the City of Austin, and in the exercise of this power it may raise or lower the valuation at which property may be assessed or rendered to the Assessor or assessed by him, with or without being rendered for taxes.

ARTICLE 1000. Said Board of Equalization, in performing the duties above directed, shall take the lot register of the Assessor and Collector and go over and equalize the property of the City of Austin, piece by piece, according to the lot register roll, and when the assessment of said property is either raised or lowered, the said Board of Equalization shall

make a note on said rolls, using therefor colored ink or pencil showing the property added, and the increase or decrease in the valuation of each lot or parcel of ground, or other property change, and said notes so made by the Board of Equalization shall remain on said roll and in the possession of the Assessor and Collector.

ARTICLE 1001. The Board of Equalization of the City of Austin shall have full power to enforce the attendance of all witnesses necessary to the prosecution of any inquiry properly before it, and to punish them for failure or refusal to answer any question pertinent to the inquiry.

ARTICLE 1002. In order to make the above provision effective, the president of the Board is hereby empowered to issue subpoenas for all witnesses whose attendance is desired; and it is hereby made the duty of the City Marshal to serve said subpoenas, when requested so to do by the president of said Board; and the rules of practice for justices' courts, as contained in the Revised Statutes of the State, shall govern as to the forms and service of said subpoenas, in so far as same are applicable.

ARTICLE 1003. If any person whose testimony is desired by said Board shall fail or refuse, without legal excuse, to attend on its sessions or to answer any question pertinent to the inquiry before said Board, when requested to do so, he shall be deemed guilty of a misdemeanor, and, upon conviction thereof before the Mayor's Court, shall be fined not less than five nor more than one hundred dollars.

ARTICLE 1004. It shall further be the duty of said Board, if it shall have reason to believe from information gained by its members from the Assessor of Taxes, or from other sources, that any person residing within the city has failed or refused to render for taxation any personal property owned by him and subject to taxation under the laws of the State, or has refused to give information concerning such property, so that the same may be assessed by the Assessor of Taxes, to have such person brought before it and interrogated under oath as to such property.

ARTICLE 1005. And if said Board shall discover any property not rendered for taxation to the City Assessor of Taxes it shall have the power, and it shall be its duty, to direct the Assessor of Taxes to list the same for taxation in like manner and with like effect as if it had been originally rendered for taxation by the owner thereof.

ARTICLE 1006. After said Board shall have passed upon and equalized the values of the property assessed by the Assessor originally and upon suggestion of the Board, the Board of Equalization shall give notice that it has made changes in the valuation at which property had been assessed for taxes, and cause additional property to be assessed and valued for taxation by publication in a daily newspaper published in the

City of Austin for three successive days. Said notice shall be sufficient if it state that the Board has held a session and made changes in the assessments and valuations of property affecting certain persons whose names shall be given, without describing the property affected, or stating the nature of the changes made, but referring the person whose name shall be given to the office of the Assessor and Collector of Taxes for details as to changes, a record of which shall be left by said Board on deposit with said Assessor, subject to inspection by the public. The notice shall also state that a further session of the Board will be held at a place and to begin at a time named in the notice, and continue for a certain number of days, or longer, when complaints as to renditions and valuations will be heard, and that such corrections will be made as may be in the opinion of the Board just and proper; such session shall commence not earlier than one week after such notice shall have been published; such other notices may be given as the Board or City Council may prescribe, but the failure to give such other notice shall in no manner affect the validity of the assessment or equalization thereof.

II. CERTIFIED LISTS OF CHANGES.

ARTICLE 1007. When they shall have completed their labors they shall make and certify duplicate lists of all assessments changed by them, one of which shall be filed with the City Clerk and the other with the City Assessor and Collector, and the City Assessor and Collector shall proceed at once to make up the assessment roll from the records for approval by the City Council, and the Council shall, when appeals have been corrected or adjusted, order the City Assessor and Collector to make the necessary changes so as to conform to the actions of the City Council.

ARTICLE 1008. Any person aggrieved at the valuation fixed by the Board of Equalization may appeal therefrom in the time and in the manner provided by the city charter, but the Assessor and Collector shall proceed to make up the tax rolls according to the valuations fixed by the Board. If, on appeal, the valuation should be changed by the County Court and evidenced by a certified copy of its judgment filed with the City Assessor and Collector, he shall change the valuation accordingly.

III. APPEAL FROM ACTION OF.

ARTICLE 1009. All the determinations of such Board shall be final, unless an appeal is taken therefrom to the County Court of Travis County, which may be done by any person, or the agent or attorney of any person, aggrieved at the action of the Board, by giving notice in writing to said Board of such appeal and the grounds thereof, within

five days after such Board shall have concluded its labors and returned the tax list to the office of the Assessor and Collector of Taxes, and by giving a bond payable to the City Assessor and Collector for the sum of fifty dollars, conditioned that said appellant will pay all the costs of such appeal if the action of the Board of Appraisers should be sustained by the County Court, or if the valuation of the property of such appellant shall be raised above the amount at which it is assessed by said Board of Appraisers. A copy of such bond and such notice of appeal and a description made by the Assessor and Collector of the property of the appellant involved therein, shall be filed in said County Court, and said case shall be docketed on the civil docket of said court in the name of the appellant, as plaintiff, against the Board of Appraisers of the City of Austin, and all such appeals shall be prosecuted to the first term of the County Court after the notice of appeal is given, and shall have precedence for trial of all civil cases in said court, and the decision of said court in such matter shall be final. The list of property and the values thereof as settled by the Board of Appraisers, or a copy thereof, or so much thereof as may be pertinent to the question at issue may be produced in court to be used in such trial.

CHAPTER V.

PAYMENT OF.

ARTICLE 1010. The City Council shall have the power, by ordinance, to determine when taxes shall be paid.

ARTICLE 1011. All taxes due the City of Austin shall be payable at the office of the City Assessor and Collector, and may be paid at any time after the tax rolls for the year have been completed and approved, and no demand shall be required to be made upon any taxpayer whose duty it shall be to attend at the Collector's office and pay the same as aforesaid. All taxes levied shall be paid by the first day of April of the year succeeding the levy, and when not so paid by April first shall thereafter bear interest at the rate of six per cent per annum, and in addition the City Council may provide, by ordinance, that there shall be collected an additional five per cent upon the amount of such taxes as a penalty against the person, firm or corporation failing, neglecting or refusing to pay such taxes by the time when the same begin to bear interest as aforesaid, which penalty shall be collected by seizure and sale of property of the delinquent or by suit the same as herein provided for the collection of taxes.

ARTICLE 1012. The taxes assessed upon supplemental rolls shall be due at once upon the approval of such rolls by the City Council, and if not paid within sixty days thereafter, shall bear interest at the rate of

six per cent per annum, and may be collected by seizure and sale or suit, as provided for the collection of other taxes.

ARTICLE 1013. Registered warrants of the City of Austin are hereby made receivable in payment of all ad valorem taxes levied for general purposes, when issued for services rendered or supplies furnished by the person from whom such taxes are due.

ARTICLE 1014. If it comes to the knowledge of the City Assessor and Collector at any time after the levy of taxes for the year that any personal property subject to taxation in the city is about to be removed from the city and the owner of such property has not other tangible property in the city sufficient to satisfy all assessments against him, the Assessor and Collector shall, if said property has not been assessed, proceed at once to assess the same, and he shall thereupon levy upon a sufficiency of such property to satisfy such taxes and all costs, and sell the same as provided by law for such sales; and the ordinance levying taxes for the year and the assessment made upon such property shall be sufficient warrant for so doing and to vest title in the purchaser.

ARTICLE 1015. The Assessor and Collector shall collect all taxes and licenses, and he shall be the only officer to give a lawful receipt for the same, except fines and costs of the Recorder's Court, which shall be collected by the City Marshal and turned over to the Assessor, and upon which the Assessor shall receive no commissions.

ARTICLE 1016. The Collector of Taxes, or his deputy, whenever any tax is paid, shall give to the person paying the same a receipt therefor, specifying the amount, and the year or years for which such tax was levied; said receipt shall have a duplicate stub, showing the name of the person, the amount of tax and the date of payment. The Collector shall provide himself with a stamp, on which shall be inscribed "Collector of Taxes, City of Austin," with a changeable date, and shall impress said stamp upon each receipt given by him for taxes collected; and said receipt having the impress of said stamp shall be lawful evidence that such tax has been paid.

ARTICLE 1017. The Assessor and Collector shall, promptly as collected, pay over to the City Treasurer all sums of money coming into his hands from taxes, licenses or other sources, except as otherwise provided, taking his receipt therefor in duplicate, one of which he shall retain and the other he shall return to the City Council.

ARTICLE 1018. The Assessor and Collector shall make a detailed report to the City Council monthly, or as often as required, of all collections made by him; he shall also make a full annual report to the City Council of all money collected by him for the year ending the last day of October, to be delivered to the City Clerk on or before the first regular meeting of the City Council in the month of November in

each and every year, and said report shall be accompanied with vouchers from the City Treasurer for all sums of money paid over to him by the Assessor and Collector.

CHAPTER VI.

DELINQUENT TAXES.

I. GENERALLY.

ARTICLE 1019. No money shall be paid by the city upon any account whatever to any person or corporation who is in arrears to the city for taxes due.

ARTICLE 1020. No taxes due the City of Austin shall ever be held to be barred by any statute of limitation, and no irregularity in the time or manner of making the annual levy of taxes or in making any inventory, list or appraisalment, or in making or returning the city assessment rolls or the approval thereof, shall ever be held to invalidate any assessment, and all taxes heretofore levied by the City Council of said city, and which are unpaid, are hereby continued in force, and may be collected by seizure and sale of the property of the person owning the same or by suit as herein provided.

II. PENALTIES AND TAX SALES.

ARTICLE 1021. The Assessor and Collector shall hereafter charge and collect the following penalties where real estate is levied on and sold or advertised for sale for taxes due the City of Austin for any one year as follows: For each levy, one dollar and fifty cents; for advertising the property of each delinquent taxpayer, one dollar; for executing deed to purchaser at tax sale, fifty cents.

ARTICLE 1022. All taxes levied and uncollected shall be paid by the first day of April of the year succeeding the levy, and if not so paid by the first day of April of the year succeeding the levy, shall thereafter bear interest at the rate of six per cent per annum, and there shall be collected an additional sum of five per cent upon the amount of such taxes as a penalty against the person, firm or corporation failing or refusing to pay such taxes within two months after same begin to bear interest, which penalty shall be collected by seizure and sale of property of the delinquent or by suit the same as provided by law for the collection of city taxes.

ARTICLE 1023. In all suits brought to collect taxes due the City of Austin the penalties prescribed above shall be charged and included in the amount sued for, so far as the same have been incurred.

ARTICLE 1024. All penalties, costs of suit and interest on taxes shall be paid into the general fund of the city.

ARTICLE 1025. The City Council shall have full power and authority

to provide, by ordinance, for the seizure and sale by the City Assessor and Collector of a sufficient amount of personal property of any delinquent taxpayer to pay all taxes due by such delinquent to the city, together with all interest, penalties and costs, which seizure and sale shall be made without the necessity of any writ, and by virtue of the tax rolls of said city, which shall be sufficient warrant for said purpose, and such sale shall be conducted and notice given in the same manner as now provided by law for sale of personal property by county tax collectors, and at such sale the purchaser shall acquire absolute title to the property sold.

ARTICLE 1026. The City Council shall have full power and authority to pass all ordinances necessary to regulate advertisements and sales by the Assessor and Collector of property upon which taxes may be unpaid, and to provide for the perpetuation of all proceedings with reference to such advertisement and sales and for execution of title to purchasers of property at tax sales, and to pass all ordinances necessary to enforce the collection of taxes; provided, that such ordinances shall allow any person whose real property has been sold for taxes at least two years from the date of the Collector's deed to redeem the same by paying double the amount paid for same; provided, further, that any such proceeding so perpetuated shall be received in evidence in any court when the title conferred by the collector shall be called in question.

ARTICLE 1027. If any person, firm, company or corporation shall fail or refuse to pay the taxes imposed upon him or them, or his, her or their property, by law, until the first day of April next succeeding the delivery of the assessment roll and receipts of the Collector, the Collector shall, by virtue of his tax roll, seize and levy upon and sell so much property belonging to such person, firm, company or corporation, whether residents or non-residents, as may be sufficient to pay his, her or their taxes, together with all costs accruing thereon; provided, however, that if such person, firm, company or corporation, his, her or their agent, or attorney, shall point out to the Collector sufficient property belonging to the party assessed in said city to pay said taxes before the first day of April of each year, then the Collector shall proceed to take into his possession so much thereof as will pay the taxes assessed and due, together with all costs accruing thereon.

ARTICLE 1028. It shall never be too late for the Assessor and Collector of Taxes to exercise the power of seizing, levying upon and selling real estate and personal property for taxes.

ARTICLE 1029. The annual assessment of taxes made by the City of Austin upon landed property shall be a special lien thereon, and all property, both real and personal, belonging to any delinquent taxpayer shall be liable to seizure and sale for the payment of all taxes and

penalties due by such delinquent; provided, that the homestead of such delinquent shall only be liable for the taxes due thereon.

ARTICLE 1030. All real and personal property in the City of Austin upon the first day of January of each year, and subject to taxation by said city, shall stand charged with a special lien in favor of the city, for all taxes levied against the owner thereof during the year, superior to all mortgages and other liens thereupon, except the liens for State and county taxes, and all persons purchasing the same after the first day of January of any year shall take the same subject to such lien, and the city may intervene in any suit for the foreclosure of any other lien, and assert its right, or may institute an independent suit and make all mortgages and lien holders and subsequent purchasers parties for the purpose of enforcing its lien, or recovering personal judgment for the conversion of the security here given it, for the collection of its taxes, and the said city shall be authorized and it is hereby made the duty of the City Assessor and Collector to file the property statement of its taxes in any court of bankruptcy administering the estate of any bankrupt taxpayer.

ARTICLE 1031. The City of Austin shall be authorized, and it is hereby given the right to institute suit in any court in Travis County having jurisdiction under the Constitution and laws of the State, at any time after taxes become due and are delinquent as herein provided, and recover personal judgment for the amount of taxes remaining unpaid by any person, firm or corporation, together with all interest, penalties and costs, and if any part of any such delinquent tax shall be due upon any landed property, the city shall have the right in the same or any subsequent suit to have its lien thereon foreclosed, and such property sold as provided by law in the foreclosure and sale of property under mortgage or other lien; provided, that in all cases where lands are sold the owner shall have the right within two years of the day of sale to redeem his land from the purchaser under such judgment upon the payment of double the amount of money paid for the land and all subsequent taxes paid thereon by such purchaser; and failing so to do, the title of the purchaser shall become absolute without further act or proceeding. The privilege of redemption shall constitute part of the judgment and deed made to the purchaser, and in such cases need not be inserted therein.

ARTICLE 1032. In all suits for the foreclosure of a lien upon lands or lots by the city, if the defendants or any of them be alleged to reside in any other county of the State of Texas, it shall not be necessary to serve such person with a copy of the petition, and service of citation shall be made by delivering a copy thereof in the manner provided by law for service of citation upon persons residing in the county where suit is brought, and if the defendants or any of them are alleged to be non-

residents of the State, or if it be alleged that the residence of such defendant is unknown, or the owner or owners of said land, or lots, are unknown, and the City Assessor and Collector shall make oath to that effect at the time of filing the petition, or at the time subsequent thereto, the clerk of the court shall thereupon issue notice in substantially the following form:

“The State of Texas.

“To the owner or owners and all persons claiming any interest in the lands hereinafter described: You are hereby notified that the City of Austin filed suit in a district court in Travis County (..... District) on the.....day of....., A. D., No.... claiming that taxes, interest and penalties are due it by you upon the following described land situated in the city as follows, viz.: (Here set out description of the land as contained in the petition and state the aggregate amount claimed against each tract for each year.)

“You are therefore commanded to appear and answer in said court at the next regular term to be held at the courthouse of said county in the City of Austin, beginning on the.....day of....., A. D., and show cause why judgment shall not be rendered condemning said land and ordering foreclosure of sale thereof for said taxes, interest, penalties and costs of suit.”

Which said notice shall be dated and signed by the clerk with the seal of the court as other writs, and shall be delivered to the sheriff and executed by causing the same to be published in some newspaper published in the City of Austin once a week for four successive weeks prior to the return day thereof. Publication of said notice shall be shown by the return of the sheriff or his deputy endorsed or attached thereto, which shall show when the same was executed and the manner thereof, specifying the dates of such publication, and shall be accompanied by a printed copy of such publication and shall be signed by him officially.

ARTICLE 1033. In case of service of notice by publication, as provided in the preceding section, the case shall stand for trial at the second term of the court. The suit shall be held in all respects to be proceeding *in rem.* and the court shall hear proof and render judgment in favor of the City of Austin, against each parcel of land for the amount of tax, interest, penalty and costs, legally chargeable against the same, and shall foreclose the lien of the city thereon and condemn the land to be sold as under execution for the purpose of satisfying such judgment; provided, that for the purpose of foreclosing the lien of the city on all lands and lots, where the owner or owners thereof are alleged to be unknown, it shall be necessary to institute a separate suit against each piece of property, and all such property may be embraced in one suit, and judg-

ment entered against each parcel and condemning the same to be sold as aforesaid; and provided further, that in all cases where lands are sold under judgment based upon service by publication, the owner shall have the right within two years from the day of sale to redeem his land from the purchaser under such judgment upon the payment of double the amount of money paid for the land and all such subsequent taxes paid thereon by said purchaser, and failing to do so, the title of the purchaser shall become absolute without further act or proceeding. The privilege of redemption here given shall constitute a part of the judgment and deed made to the purchaser in such case, and need not be inserted therein.

ARTICLE 1034. It shall be competent in all cases to supplement the description contained in the assessment rolls with full proof of the identity of the lot, tract or parcel of land therein assessed, and in suits to enforce collection of taxes by the city, such additional matters may be inserted in petition and reference may be made to any map, plat or survey of said city, or of any addition or subdivision made thereto, or to any deed, decree, or other instrument describing the same, which may be on file or of record in the General Land Office of Texas, or in the office of the district or county court of Travis County, and such reference shall constitute part of such petition and all proceedings had in said suit.

ARTICLE 1035. When any property, real or personal, is sold to enforce the collection of taxes, the City of Austin shall not become the purchaser thereof unless no one else is present who will purchase the same and pay the full amount due the city, including all costs and penalties, and it is hereby made the duty of the Mayor or the person acting as such to attend all sales, and bid thereat for the city, and upon such sale the officer making the same shall execute to the city or other purchaser proper evidence of title and to place the purchaser in possession as provided by law.

ARTICLE 1036. In all suits for the collection of taxes which have been heretofore or which may be hereafter levied upon the tax rolls of said city, or a certified statement made therefrom by the Assessor and Collector, shall be prima facie evidence of the truth of all recitations and facts shown by said rolls, and shall be held to be sufficient proof (subject to rebuttal only by pleading and proof by defendant) of the following facts, viz.:

1. That the person, firm or corporation therein shown to be a taxpayer was such, and owned the property therein listed, and that such property was subject to taxation in said city, and was rendered by such person, firm or corporation, or by his or its agent, at the value placed thereon in such rolls.

2. That the taxes due upon such property were duly and legally levied for the purposes shown in such rolls, and that the same are valid and unpaid.

3. That all acts and proceedings required by law or by ordinance of said city in the manner of rendering, appraising and fixing of values upon such property and the giving of all notices of such taxpayer have each and all been performed and complied with at the time and in the manner and form required, and that all things which might be construed as conditions precedent to the lawful demand upon such taxpayer to pay the amount of taxes in such rolls shown to be due by him or them have been performed at the time and in the manner required by law; provided, that in the event the defendant shall show that his property was voluntarily rendered by him, and that the valuation of the same was subsequently changed by the Assessor or Board of Equalization without notice to him or his agent, or shall show that the said rate of taxation for any purpose was to any extent illegal, judgment shall thereupon be rendered against him for the proper amount due, based upon the value of his property as rendered by him, and the amount of tax which is found to be legal.

ARTICLE 1037. All provisions of the charter validating the tax levies and assessments of property and making the assessment rolls prima facie evidence, and prescribing the rules of procedure for the collection of taxes by suit or otherwise, shall be held to apply only in suits which may be brought for the collection of taxes levied since 1897.

ARTICLE 1038. In levying upon and making sales of any property, real or personal, for non-payment of taxes, due by any person, firm, company or corporation, the Assessor and Collector shall be governed by and shall conform to the State laws regulating levies and sales for non-payment of State and county taxes.

ARTICLE 1039. The Assessor and Collector shall sign all deeds and bills of sale for real or personal property sold for taxes, and shall make a record of every such sale in a book kept for that purpose, stating in said record the property sold, with brief description, the name of owner, if known, and if not that fact, time of sale, amount for which sale was made, and name of purchaser.

ARTICLE 1040. The Assessor and Collector shall make immediate report to the City Council of all sales of property, real or personal, made by him giving particulars required to be kept of record by him in preceding article.

ARTICLE 1041. The owner of any real estate sold for taxes, his heir or legal representative, may, within two years from the date of sale, redeem the estate sold by paying or tendering to the purchaser, or his heirs or legal representative, double the amount of money paid for the land,

together with all subsequent taxes that the purchaser has paid on the same from the day of purchase to the day of redemption, and the Assessor and Collector shall give in the deed from the purchaser, to such person or persons, such description of the lands as is given in the tax rolls in his hands, and such other description as may be necessary to the better identification of the property.

ARTICLE 1042. If any real estate or improvements thereon which has been sold for taxes and bid in by the city have not been redeemed within two years from date of sale, it shall be the duty of the Assessor and Collector to make out a list of such property showing the amount of taxes, interest and costs due on the same, and place the said list in the hands of the City Attorney, whose duty it shall be to institute suit in the name of the City of Austin for the recovery of such property; provided, that at any time after suit is brought and before final judgment the owner of such property may have the same released to him, her or them by the City of Austin on payment of the amount of taxes, interest and costs due thereon and costs of suit.

ARTICLE 1043. Any person or persons having the right to redeem any real estate sold for payment of taxes may do so by the payment, within two years from date of sale, to the Assessor and Collector of double the amount of money paid for the land, together with all subsequent taxes that the purchaser has paid on the same from the day of purchase to that of redemption; provided, that the person or persons so redeeming, or his or their agent, shall have first made affidavit before some officer authorized by law to administer oaths, that he has made diligent search in the city, and county of Travis, for the purchaser at tax sale, and has failed to find him; or that the purchaser at tax sale is not a resident of the City of Austin, or of Travis County; or that the owner or owners and such purchaser can not agree on the amount of redemption money. In such case only shall redemption be made by payment to the Assessor and Collector, and it shall be the duty of the Assessor and Collector, in case of any such payment, to give a receipt therefor, signed by him officially, in the presence of two witnesses, which said receipt when duly recorded, shall be notice to all persons that the property therein described has been redeemed; and the Assessor and Collector shall, on demand, pay over to the purchaser at tax sale the money so received by him.

ARTICLE 1044. The Collector shall make out, on or before the twentieth day of October of each year, a list of delinquent or insolvent taxpayers, the caption of which shall be the "List of Delinquent or Insolvent Taxpayers," giving therein the name of the person, firm, company or corporation from which the taxes are due, together with the amount, and he shall be entitled to a credit for the amounts due by such persons,

firms or corporations as have no property out of which to make such taxes, or have moved out of the city and have not found property therein out of which such taxes can be made; provided, he shall use all necessary diligence to collect the amounts due on such list after it is allowed, and report and pay over to the proper officers all the amounts collected on same.

CHAPTER VII.

OCCUPATION TAX.

ARTICLE 1045. There shall be levied and collected from every person, firm, company or association of persons pursuing any of the following named occupations, an annual tax, except where otherwise provided, on every such occupation, calling or separate establishment, as follows:

Section 1. For selling spirituous, vinous and malt liquors or medicated bitters in quantities of one gallon or less than one gallon, one hundred and eighty-seven dollars and fifty cents; for selling such liquors and medicated bitters in quantities of one gallon and more than one gallon, one hundred and eighty-seven dollars and fifty cents; provided, that in selling one gallon the same may be made up of different liquors in unbroken packages aggregating not less than one gallon; for selling malt liquors exclusively, thirty-one dollars and twenty-five cents; provided further, that nothing in this section shall be so construed as to exempt druggists who sell spirituous, vinous and malt liquors or medicated bitters capable of producing intoxication on the prescription of a physician or otherwise from the payment of the tax herein imposed; provided further, that this section shall not apply to the sale by druggists of tinctures and drug compounds, in the preparation of which such liquors or medicated bitters are used and sold on the prescription of a physician or otherwise, and which tincture and compounds are not intoxicating beverages prepared in evasion of the provisions of this ordinance; provided further, that the Assessor and Collector may issue a license for the unexpired period to persons holding State and county license; and provided that said tax shall be revoked in the same manner and for the same reason as provided for by the statutes of the State of Texas; and any person or persons following the occupation of malt or liquor dealer without first obtaining the license as provided for herein, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not less than five nor more than one hundred dollars.

Sec. 2. From every merchant who may remove from place to place and offer for sale "bankrupt stock" of goods, or advertising "fire sales" or "water and fire damaged stock for sale," for a limited period of time, there shall be collected fifty dollars per month for the first month, or less than a month for each and every place where such business is located,

and for each additional month that such sales are continued at any given place, said merchant shall pay an additional sum of ten dollars.

Sec. 3. From every traveling person selling patent or other medicine, fifty dollars; and no traveling person shall so sell until said tax is paid; provided, that this tax shall not apply to commercial travelers, drummers or salesmen making sales or soliciting trade for merchants engaged in the sale of drugs or medicine by wholesale.

Sec. 4. From every auctioneer an annual tax of five dollars.

Sec. 5. From every person, firm or association of persons selling on commission, five dollars.

Sec. 6. From every physician, surgeon, oculist or medical or surgical specialist of any kind, traveling from place to place in the practice of his profession, an annual tax of twenty-five dollars. From every local practicing physician, surgeon, dentist, veterinary surgeon, or any medical or surgical specialist, an annual tax of two dollars and fifty cents.

Sec. 7. From every person or firm keeping a shooting gallery at which a fee is paid or demanded, an annual tax of fifteen dollars.

Sec. 8. From every person or firm keeping a knife, cane or doll rack, or any other device upon which rings are pitched, or at which balls are thrown, an annual tax of twelve dollars and fifty cents.

Sec. 9. From every billiard, pool table or anything of the kind used for profit, ten dollars; and any such table used in connection with any drinking saloon or other place of business where intoxicating liquors, cigars or other things of value are sold or given away, or upon which any money or other thing of value is paid, shall be regarded as used for profit.

Sec. 10. From every person or persons who shall sell pools on horse races or other contests, two dollars and fifty cents for each and every day they may so sell said pools.

Sec. 11. From every nine or ten-pin alley or any other alley used for profit, by whatever name called, constructed or operated upon the principle of a bowling alley, and upon which balls, rings or other devices are used as substitutes therefor are rolled, without regard to the number of pins used or whether pins are used or not, or whether the balls, rings or other device are used by hand or with a cue or any other device, fifty dollars. Any such alley used in connection with any drinking saloon, or drug store, or with any drug store where intoxicating liquors are sold, or given away, or upon which money or anything of value is paid, shall be regarded as used for profit.

Sec. 12. From all persons keeping or using for profit any hobby-horse, flying-jenny or device of that character, with or without name, seven dollars and fifty cents per annum.

Sec. 13. From every foot peddler, two dollars and fifty cents; from

every peddler with one horse or one pair of oxen, the sum of three dollars and seventy-five cents; from every peddler with two horses or two pairs of oxen, five dollars; provided, that any blind, deaf and dumb, or any wounded person who has lost a hand or foot shall not be required to pay any tax for peddling; provided, that all ex-Confederate and ex-Federal soldiers who, from old age or other cause, may be incapacitated to do and perform manual labor, and who are actual residents of this city, be and are hereby exempted from the payment of the tax herein imposed, provided such persons are not employed in peddling for others; nothing herein contained shall be so construed as to include traveling vendors of tin or earthenware, or traveling vendors of literature exclusively religious in character, or traveling vendors of poultry, vegetables or other country produce, exclusively, fruit and fruit trees, exclusively, if raised or produced by the vendor and his family. A peddler within the meaning of this section is any person or firm that journeys from house to house, or customer to customer, carrying goods, wares, merchandise or commodities of any kind for sale.

Sec. 14. From every theater or dramatic representation for which pay for admission is demanded or received, two dollars and fifty cents per day for every day they may perform; provided, that theatrical or dramatic representations given by performers for instruction only, or entirely for charitable purposes, shall not be herein included; provided, however, that this tax shall not be collected where the performances are exhibited in regular opera houses or theaters, but in lieu of said tax the managers of said opera houses or theaters shall pay an annual occupation tax of twelve dollars and fifty cents.

Sec. 15. From every circus wherein equestrian or acrobatic feats and performances are exhibited, for which pay for admission is demanded or received, for each performance or exhibition where an admission fee of one dollar is charged, one hundred and twenty-five dollars; for each performance or exhibition where an admission fee of seventy-five cents is charged, one hundred dollars; for each performance where fifty cents or less is charged, fifty dollars; provided, that the amount of fee charged for reserved seats shall be considered as a part of such admission fee; provided, that where there is a combination of circuses and menagerie, or circus and other exhibitions, the highest tax fixed by this ordinance for any division or department of the combination shall be collected.

Sec. 16. From every menagerie, wax-works museum, side show or exhibition, whether connected with circus or not, where a separate fee for admission is demanded or received, five dollars for every performance for which fees for admission are received.

Sec. 17. From every exhibition where acrobatic feats are performed

and an admission charged for profit, not connected with a circus or theater, five dollars for each performance.

Sec. 18. From every sleight-of-hand performance or exhibition of legerdemain, not connected with a theater or circus, the sum of twelve dollars and fifty cents.

Sec. 19. From every cock pit when kept for profit or upon which any money or thing of value is bet or paid, twenty-five dollars.

Sec. 20. From every menagerie, wax-works or exhibition of any kind where a separate fee for admission is demanded or received, five dollars for every day on which fees for admission are received; provided, that exhibitions by associations organized for promotion of art, science, charity or benevolence shall be exempt from taxation; and provided further, that persons who form a museum composed entirely of the products of Texas shall have the right to exhibit the same for a fee without paying any occupation tax.

Sec. 21. From every concert where a fee for admission is demanded or received, one dollar; provided, that entertainments when given by the citizens for charitable purposes, or for the support or aid of literary or cemetery associations are exempt.

Sec. 22. From every wagon yard used for profit, two dollars and fifty cents.

Sec. 23. From each and every person or firm acting as local agent or agents of industrial life insurance companies, an annual tax of one dollar.

Sec. 24. From every person, firm or association of persons dealing in lightning rods, an annual tax of eighteen dollars, and upon every person canvassing for the sale of lightning rods, an annual tax of fifty dollars.

Sec. 25. From every person, firm or association of persons following the occupation of cotton broker, cotton factor or commission merchant, seventeen dollars and fifty cents; provided, that a merchant who pays an occupation tax under this ordinance shall not be considered as a cotton broker; a "commission merchant" in the meaning of this section is every person, firm or association of persons receiving country produce, horses, cattle, sheep, grain, hay, lumber, wood, coal, goods, wares and merchandise, or anything else for sale, to be accounted for to the owner when sold and charging a commission therefor.

Sec. 26. From every pawnbroker an annual tax of seventy-five dollars.

Sec. 27. From every person, firm, agency or association of persons dealing in sewing machines, an annual tax of seven dollars; provided, that a merchant who pays an occupation tax as such shall not be re-

quired to pay the special tax to sell sewing machines when sold in his place of business.

Sec. 28. From every person or firm who peddles out clocks, cooking stoves or ranges, wagons, buggies, carriages, surreys and other similar vehicles, washing machines and churns, an annual tax of one hundred and twenty-five dollars; provided that a merchant who pays an occupation tax as such shall not be required to pay this special tax for selling the articles named in this section when sold in his place of business.

Sec. 29. From every person, firm or association of persons loaning money as agent or agents for any corporation, firm or association, either in this city or out of it, an annual occupation tax of seventy-five dollars.

Sec. 30. From each and every owner or keeper of any skating rink used for profit, twelve dollars and fifty cents.

Sec. 31. From every manager of a baseball park, where an admission fee is charged, twelve dollars and fifty cents.

Sec. 32. From each owner or keeper of every steam laundry, five dollars.

Sec. 33. From each person or corporation who are wholesale dealers selling imported or home-made ice to the trade, to be sold again, twenty-five dollars.

Sec. 34. From each owner or manager of every phonographic, electric battery, graphophone, or other like machines or instruments, where a fee is charged, an annual tax of twelve dollars and fifty cents.

Sec. 35. From each owner or keeper of every kinetoscope, cinetograph or similar machine or instrument used for profit, which shows the life-like motions of persons or animals, an annual tax of twelve dollars and fifty cents.

Sec. 36. From each owner, manager or keeper of every panorama or view show used for profit, exhibited in a wagon, room, tent or elsewhere, an annual occupation tax of five dollars. A panorama or view show in the meaning of this ordinance is a show exhibiting pictures, statuary or other works of art which are viewed through stereoscopic or magnifying lenses.

Sec. 37. From each owner, manager or keeper of every show or company of persons giving exhibitions of music, songs, recitations, sleight-of-hand, gymnastic, dancing or other kinds of performances, in a tent, house or elsewhere, which said exhibitions are used for profit by the sale of medicine, electric belts, or other articles of value, whether charge is made only for seats or not, an annual occupation tax of twenty-five dollars.

Sec. 38. From every person, firm or association of persons selling on commission, twenty-five dollars; this section is intended to cover every

person, firm or association of persons selling on sample only, and who do not carry any stock or merchandise or anything else on hand; provided that this tax shall not apply to commercial travelers or salesmen making sales or soliciting trade from merchants.

Sec. 39. From all dealers in cigarettes in this city, the sum of five dollars per annum; provided, that this tax shall be in addition to the occupation tax levied on merchants and any other tax levied under this ordinance.

Sec. 40. From every person, firm or association of persons acting as general adjusters of losses, or agents of life, fire, marine and accident insurance companies, who may transact any business as such in this city, an annual occupation tax of twenty-five dollars. By "general agent," as used in this section, is meant any person or firm representative of any insurance company in this city, or who may exercise a general supervision over the business of such insurance company in this city; provided, that when such a general agent acts as local agent he shall pay an additional tax as local agent as provided herein.

Sec. 41. From every fortune teller, five dollars; from every clairvoyant or mesmerist, who plies his or her vocation for money, five dollars.

Sec. 42. All persons, except managers of theaters, who shall sell or be engaged in selling tickets to any theatrical exhibition given or to take place at any theater in the City of Austin shall pay to the City of Austin an annual license tax of fifty dollars before selling or being engaged in the sale of such theatrical tickets.

ARTICLE 1046. The Assessor and Collector shall issue all licenses and occupation taxes, under the supervision of the Mayor, and all licenses issued shall be made out from a book with a stub attached, showing to whom issued, what for, and date of expiration, also duly numbered.

ARTICLE 1047. All licenses shall be issued under the direction of the Mayor, and assessed and collected by the City Assessor and Collector, and shall be in the following form:

THE CITY OF AUSTIN.

License No.....

Received of..... the sum of \$.....
for city license to.....in conformity with the
ordinances of said city, for the term of.....months, from the
....day of....., 1...., to the....day of....., 18....
Austin, Texas,1....

.....

City Assessor and Collector.

ARTICLE 1048. In all cases where any dealer in merchandise, wares or goods of any kind subject to ad valorem or occupation taxes, or both, under the provisions of any ordinances of this city, who shall, after the rendition of said merchandise, wares or goods for taxation, or after becoming liable for any occupation tax, become bankrupt or make assignment or appoint a trustee of said merchandise, wares or goods, then the Collector of Taxes shall at once present to the assignee, receiver or trustee of said dealer, for payment of the amount due for said taxes by said dealer, and in case of failure of said receiver, assignee or trustee to at once pay the amount of said taxes, the Collector shall levy upon, seize and sell from the said merchandise, wares or goods enough to satisfy the amount of said taxes; and said taxes until paid shall constitute a prior lien on said merchandise, goods or wares, in default of said taxes, and in whomsoever hands or possession it may be found.

ARTICLE 1049. The assignee, trustee or purchaser of any unexpired occupation license shall be authorized to pursue such occupation under such unexpired license for and during the unexpired term thereof; provided, that such assignee, trustee or purchaser shall, before following such occupation comply in all other respects with all the requirements of the city ordinances, provided for in the original application for such license; and provided further, that nothing in this section shall be so construed as to authorize two or more persons, firms, corporations or associations of persons to follow the same occupation under one license at the same time.

ARTICLE 1050. The City Assessor shall procure a well-bound book, in which he shall record all such transfers of occupation licenses, showing to whom the original was issued and to whom transferred, and giving the date of the transfer.

ARTICLE 1051. If any person, firm, corporation or association of persons shall use any occupation license issued to another without having the same legally transferred he or they shall be guilty of a misdemeanor.

ARTICLE 1052. That it shall not be lawful for any person, either alone or as a firm or company to engage in or pursue, either one or any of the occupations, professions or callings specified in the foregoing sections of this ordinance, without having previously paid the amount of the license assessed upon the same and obtaining a license therefor, and any person or persons who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than five dollars nor more than two hundred dollars, and each day of said violation shall be deemed a separate and complete offense.

ARTICLE 1053. The preceding article shall not be construed so as to affect any civil remedy to enforce the collection of taxes; and a tax re-

ceipt for said tax from the proper officer shall be a sufficient license to follow such occupation, calling or profession.

ARTICLE 1054. The City Clerk shall not deliver any city warrant to any person or persons who are in default of city taxes, or in any way indebted to the city, until such indebtedness is paid and the City Clerk has been notified by the Assessor and Collector of such payment.

ARTICLE 1055. Any person prosecuted for pursuing any occupation, calling or profession without a license, shall have the right at any time before conviction to have such prosecution dismissed upon payment of the tax levied upon such occupation, calling or profession and taking out a license therefor and all costs of said prosecution; and no prosecution shall be commenced against any person after the payment of his occupation tax, notwithstanding he may have followed such occupation, calling or profession before paying the taxes therefor.

ARTICLE 1056. Any person, firm or corporation or association of persons, who shall be legal owners or holders of any unexpired occupation license in accordance with the provisions of this ordinance, are authorized to transfer the same on the books of the City Assessor and Collector and in no other manner, and such license can under no circumstances be transferred more than one time.

ARTICLE 1057. No license shall be sold or otherwise transferred except in the manner prescribed by the ordinances of this city, and the City Council may at any time, by ordinance, revoke any license granted under the ordinances of this city, on payment of the amounts that may have been paid to the city for such license, after deducting the amount due on the time expired.

ARTICLE 1058. The Assessor and Collector shall report to the City Attorney all persons violating any of the license ordinances, who shall proceed against them as provided by ordinance, and the Assessor and Collector may, at any time, call upon the City Marshal or any police officer to assist him in the discharge of his duties.

ARTICLE 1059. Whenever an original occupation license shall have been lost or destroyed it shall be the duty of the Assessor and Collector on application in writing of the owner thereof, to issue a duplicate of the same; provided, that such owner shall make and file with the Assessor and Collector an affidavit that such license has not been transferred or assigned by him or any person under this authority, that the same has been lost or destroyed without any connivance on his part, and that he has made diligent search for the same, and has not been able to find it.

ARTICLE 1060. It shall be the duty of every peace officer of the city to call upon and demand of any peddler, itinerant vendor, merchant, hackman, drayman, showman or any person or firm who is required to

pay a license tax under the provisions of this or any ordinance of this city to exhibit their license, and on the failure or refusal of any person to procure their license, it shall be the duty of such policeman to arrest and make complaint before the Recorder against such person or persons, and the Assessor and Collector shall from time to time furnish the City Marshal with the names of all persons, firms or corporations violating any of the license ordinances, and he shall proceed against them as provided by this article.

ARTICLE 1061. It shall be the duty of any person or firm after having obtained a license for any of the purposes hereinbefore mentioned to have the same placed in a secure manner in some part of their place of business where the said license may be readily seen at all times by any person entering the said place of business.

ARTICLE 1062. Every person, firm, corporation or association of persons having more than one place of business, or who shall exercise or follow more than one profession, calling or occupation, shall pay for each, a separate license tax, except where it is otherwise expressly provided.

ARTICLE 1063. All occupation licenses shall be issued and collected by the City Assessor and Collector, and he shall be guided by the opinion of the City Attorney upon all questions referred to him.

ARTICLE 1064. All licenses issued as specified in the preceding article of this chapter, where the amount is five dollars or less, or for selling spirituous, vinous or malt liquors, or medicated bitters, shall be issued for a period of not less than one year, but in all other cases they may be issued quarterly, but for no longer than for one year; provided, that said liquor license may be issued so as to conform with the State license.

SCHOOL TAX.

ARTICLE 1065. All levies of taxes heretofore made for the support and maintenance of the public free schools in the City of Austin, and which remain uncollected, are hereby validated and declared legal and binding upon the persons and property subject to taxation in said city, and the City Council shall continue to levy and collect the rate of special taxation adopted or which may be adopted by vote of the people for said purpose and deliver the same to the said Board of Trustees in accordance with the general laws of the State upon the subject.

TITLE XXXIX.

THEATERS, CIRCUSES, PUBLIC BALLS AND PUBLIC DANCE HOUSES.

CHAPTER I.

REGULATION OF.

ARTICLE 1066. It shall not be lawful for any person, company or association of persons to exhibit in the City of Austin any theatrical, operatic, dramatic or variety theatrical performance or performances of that nature or character or any circus or legerdemain, or sleight-of-hand, or clairvoyant performance, or any other public performance, exhibition or show, where an admission fee is charged, directly or indirectly, without first having obtained the special permit of the Mayor of this city so to do, also paying the amount of tax assessed upon the same and obtaining a license therefor, and no license shall be issued by the Assessor and Collector for such purpose except upon presentation of Mayor's permit mentioned in this article, and any person violating the provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than five nor more than one hundred dollars.

ARTICLE 1067. If the Mayor refuse to grant a special permit for the purpose set forth in the preceding article, then the person, company or association of persons applying for the same shall have the right to petition the City Council, which, by a majority vote, may grant a permit to such person upon the payment of the amount of tax assessed upon such exhibition or performance.

ARTICLE 1068. It shall not be lawful for any person, company or association of persons to give any such exhibition or performance mentioned in Article 1066 in any room, building or place where any spirituous, vinous, malt or other intoxicating liquors are sold, kept for sale or given away in quantities less than one quart, and any person who shall violate any of the provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction shall be fined in any sum not less than five nor more than one hundred dollars.

ARTICLE 1069. It shall not be lawful for any person, company or association of persons to give any public ball or dance, or keep any dance house within this city, without first obtaining from the Mayor a special permit so to do, and no such permit shall be given for more than one night or one ball or dance, and any person violating any of the

provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction he shall be fined not less than five nor more than one hundred dollars.

ARTICLE 1070. It shall be unlawful for any person, company or association of persons keeping any public dance house, public park, or other place for public assemblages, to give or permit to be given any public ball or dance, or permit any public assemblage in such dance house, park or other place kept or used for such purpose, without first obtaining a written permit from the Mayor, the Aldermen of the ward in which such public dance, ball or public assemblage is to take place, and the City Marshal, and depositing with the City Marshal a sum sufficient to pay for the services of not less than one and as many more officers as in the judgment of the Marshal may be required for the purpose of enforcing order.

ARTICLE 1071. Each officer employed, as provided by the preceding article shall receive as compensation for his services the sum of two dollars and fifty cents for each night on which such dance, ball or public assemblage is given or permitted.

ARTICLE 1072. Every person, company or association of persons violating any of the provisions of the two preceding articles shall be deemed guilty of a misdemeanor, and, upon conviction, shall be fined in any sum not less than five dollars nor more than one hundred dollars, and each night on which such ball, dance or public assemblage is given or permitted shall constitute a separate and distinct offense.

ARTICLE 1073. The provisions of the preceding article shall not apply, in the discretion of the Mayor, to any case where the proprietor of such dance house or giver of such ball or dance shall file with the City Clerk a bond payable to the City of Austin in the sum of two hundred and fifty dollars conditioned that said dance house, ball or dance shall be conducted in an orderly manner and that the public peace shall be preserved therein and after complying with all other ordinances of this city relative thereto.

ARTICLE 1074. It shall be the duty of any person, company or association of persons, who shall exhibit in the City of Austin any theatrical, operatic, dramatic or variety theatrical performance, or performances of that nature or character, or any circus or legerdemain, sleight-of-hand or clairvoyant performance, or other public performance, exhibition or show, to have in attendance at such exhibitions, performances or shows, the City Marshal or one or more policemen designated by him, for the purpose of enforcing order and decorum therein, and shall pay to each the sum of two dollars and fifty cents for each exhibition or performance, and admit the same free of charge; and any person, company or association of persons violating any of the pro-

visions of this article shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than five nor more than one hundred dollars, and each exhibition or performance shall be deemed a separate and distinct offense.

ARTICLE 1075. The provisions of the preceding article shall not apply, in the discretion of the Mayor, to any case where the proprietor or manager of such exhibition or performance shall file with the City Clerk a bond payable to the City of Austin, in the sum of two hundred and fifty dollars, with good and sufficient sureties, conditioned that such exhibition or performance shall be conducted in an orderly manner, and that the public peace shall be preserved thereat, and complying with all other ordinances of this city relative to such exhibitions, performances, etc.

ARTICLE 1076. All performances and exhibitions, balls and dances referred to in this ordinance shall be closed at or before four o'clock a. m.

ARTICLE 1077. It shall not be lawful for the Mayor to give his permit for a ball or dance, or a variety theatrical performance, as contemplated in this ordinance, to any common prostitute or lewd woman, or other person, when such ball, dance or performance is given to be attended or patronized by common prostitutes or lewd women.

CHAPTER II.

EXHIBITION OF DURING COUNTY FAIR PROHIBITED.

ARTICLE 1078. It shall not be lawful for any person, company or association of persons to give any show, or exhibition, or conduct any places of amusement for profit in any part of the City of Austin during the time that any company or association of persons is engaged in conducting a county fair for the exhibition of live stock and agricultural products within said prohibited district, unless such show, exhibition or place of amusement is conducted in a permanent building.

ARTICLE 1079. It shall be the duty of any company or association of persons desiring to conduct a county fair, as above provided, to file a written notice with the Mayor and City Tax Collector, designating the days during which said fair shall be conducted; provided, said fair shall not be conducted on any public square or street of the City of Austin. and after the receipt of such notice the Mayor and City Tax Collector are hereby forbidden to issue a permit or license to any person to give any show or exhibition or conduct any place of amusement in violation of the terms of this ordinance.

ARTICLE 1080. Any person violating any of the provisions of the two preceding articles shall be, upon conviction, fined not less than ten dollars nor more than one hundred dollars in the Corporation Court of the City of Austin.

TITLE XL.

VAGRANTS.

CHAPTER I.

WHO ARE.

ARTICLE 1081. A vagrant is hereby declared to be an able-bodied idle person, living without any visible means of support, and making no exertions to obtain a livelihood by honest employment; all persons who stroll about to tell fortunes or to exhibit tricks or cheats in public not licensed by law; all common prostitutes and professional gamblers, and all persons who keep houses of prostitution or for gamblers; all persons who go about begging alms and who are not afflicted or disabled by physical malady or misfortune; all habitual drunkards, who abandon, neglect or refuse to aid in the support of their families, and who may be complained of by their families; and all persons who stroll idly about the streets of this city, having no local habitation, and no honest business or employment. And each and all of the aforesaid classes are hereby declared to be vagrants within the meaning of this article.

ARTICLE 1082. All vagrants coming within the meaning of the preceding article, upon conviction, shall be punished by a fine of not less than five nor more than one hundred dollars.

TITLE XLI.

WARDS.

CHAPTER I.

NAMED AND BOUNDED.

ARTICLE 1083. The City of Austin shall be divided into seven wards.

ARTICLE 1084. The First Ward shall embrace all the territory of the City of Austin south of the center of the Colorado River.

ARTICLE 1085. The Second Ward shall embrace all of the following territory: Beginning at a point in the center of the bridge over the Colorado River and extension of Congress Avenue, and running north with the line in the center of said Congress Avenue to a point in the center of Seventh Street; thence west with a line in the center of Seventh Street to a point in the center of West Avenue; thence south with a line in the center of West Avenue to a point in the center of West Sixth Street; thence west with a line in the center of West Sixth Street to a point in the center of Blanco Street; thence north with a line in the center of Blanco Street to a point in the center of West Ninth Street; thence west with a line in the center of West Ninth Street to a point in the center of West Lynn Street; thence north with a line in the center of West Lynn Street to a point due east of the northeast corner of the Texas Confederate Home property; thence due west to said corner of said property; thence with the north boundary line of said property to its northwest corner; thence south with the west boundary line of said property to a point in the center of West Sixth Street; thence west with the center of West Sixth Street and of the boulevard continuation thereof to a point opposite the dam; thence west to the center of the dam; thence down the center of the Colorado River with its meanders to the beginning point in the center of said bridge over the Colorado River.

ARTICLE 1086. The Third Ward shall embrace the following territory: Beginning at a point in the center of Congress Avenue at its intersection with Seventh Street; thence north with a line in the center of Congress Avenue to a point in the center of Nineteenth Street; thence east with a line to the center of Nineteenth Street to a point in the center of Lampasas Street; thence north with a line in the center of Lampasas Street to a point in the center of Twenty-first Street; thence west with

a line in the center of Twenty-first Street to the center of Rio Grande Street; thence south with a line in the center of Rio Grande Street to the center of Nineteenth Street; thence west with a line in the center of Nineteenth Street to a point in the east line of the George W. Spear league; thence southward following said Spear league line to the northwest corner of Block No. 15, Division Z; thence west to the northwest corner of Block No. 12, Division Z; thence south to the southeast corner of the R. Krause ten-acre tract; thence following the city boundary line in a westwardly direction to the southwest corner of the William Walsh tract; thence down the Colorado River to the northwest corner of the Second Ward; thence following the north boundary of the Second Ward in an easterly direction to the place of beginning.

ARTICLE 1087. The Fourth Ward shall embrace the following territory: Beginning at a point in the center of Lampasas Street at its intersection with Nineteenth Street; thence east with a line in the center of Nineteenth Street to a point in the center of Waller Creek, to the junction of East and West Waller Creek; thence north with the meanders of East Waller Creek to the north boundary line of the city; thence northwest with the boundary line of the city to the northeast corner of the city boundaries; thence west with the north boundary line of the city to the northwest corner of lot No. 82 in Division D; thence south with the George W. Spear league line to a point in the center of Nineteenth Street; thence with the north boundary line of the Third Ward in an easterly direction to the place of beginning.

ARTICLE 1088. The Fifth Ward shall embrace the following territory: Beginning at a point in the center of Congress Avenue at the intersection of Twelfth Street; thence east with a line in the center of Twelfth Street to the center of East Avenue; thence south with a line in the center of East Avenue to a point in the center of East Eleventh Street; thence east with a line in the center of said Eleventh Street and its continuation, Chincapin Street, to the east boundary line of the city; thence north with said east boundary line to a point where East Waller Creek intersects said boundary line; thence south down said East Waller Creek with its meanderings to the center of East Nineteenth Street; thence west along the center of Nineteenth Street to a point in the center of Nineteenth Street and Congress Avenue; thence south with a line in the center of Congress Avenue to the place of beginning.

ARTICLE 1089. The Sixth Ward shall embrace the following territory: Beginning at a point in the center of Congress Avenue at the intersection of Sixth Street; thence east with a line in the center of Sixth Street to a point in the center of East Avenue; thence south with the center of said East Avenue to its intersection with the line of the Houston & Texas Central Railroad; thence with said railroad to the

east boundary line of the city; thence north with the said east boundary line of the city to the southeast corner of the Fifth Ward; thence west with the south boundary line of the Fifth Ward to a point in the center of Congress Avenue; thence south with a line in the center of Congress Avenue to the place of beginning.

ARTICLE 1090. The Seventh Ward shall embrace the following territory: Beginning at a point in the center of Congress Avenue at the intersection of Sixth Street; thence south with a line in the center of Congress Avenue and the bridge over the Colorado River, a continuation of Congress Avenue, to a point in the center of said bridge; thence down the center of the channel of said river with its meanders to the boundary line of the city, the northeast corner of the First Ward; thence northeast with the boundary line of the city to the southwest corner of outlot No. 64, Division O; thence with the boundary line of the city to the southeast corner of the Sixth Ward; thence with the south boundary line of the Sixth Ward to the place of beginning.

TITLE XLII.

WATER AND LIGHT PLANT.

CHAPTER I.

REGULATING WATER.

ARTICLE 1091. It shall not be lawful for any person to use, interfere with, or injure in any unauthorized manner, any waterworks, or any of the appurtenances thereto, or to waste water therefrom beyond the amount contracted for; and any person violating any of the provisions of this or the succeeding articles shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than five nor more than one hundred dollars.

ARTICLE 1092. Citizens of Austin, who may desire to take water from said city, are hereby authorized at their own cost to lay water pipes in the streets of said city for the purpose of connecting their premises with the mains already laid or which may hereafter be laid by the city; provided, that all such pipe shall be laid under the supervision of the Superintendent of the Water and Light System and the City Engineer.

ARTICLE 1093. All pipes so laid by citizens shall be of such size and dimension as shall be designated by the Superintendent of the Water and Light System, and shall conform in these respects to the plans already adopted by the city for its water system.

ARTICLE 1094. All persons who may desire to connect with the pipes so laid, shall have the right to do so, upon obtaining the consent of the Superintendent of the Water and Light System and the payment of their pro rata of the cost of the pipe already laid.

ARTICLE 1095. All persons who avail themselves of the privilege of laying pipes, on connecting therewith, shall pay to the city the regular prices charged by it to water takers.

ARTICLE 1096. The actual cost of all pipe laid under the provisions of this ordinance, shall be filed with the Superintendent of Water and Light as soon as such work is completed; provided, that the cost of labor and pipe shall be approved by the Water and Light Commission, and no connection shall be allowed, unless the cost of the same shall not exceed the amount which it would cost the city to do the work.

ARTICLE 1097. It shall be the duty of the Water and Light Com-

mission to keep a record of the cost of all work done under and by virtue of this ordinance, and the city shall have the right at any time to purchase all pipe laid at its actual cost, from which shall be deducted any and all sums paid by citizens who have paid the owners for the privilege of connecting therewith.

CHAPTER II.

REGULATING LIGHTS.

ARTICLE 1098. The construction, alteration and repairs of all electric wires, the running and maintaining of electric plants within the City of Austin shall be governed by the following rules and requirements:

Section 1. All outside overhead wires must be covered with some material of high insulating power not easily abraded; they must be firmly secured to properly insulated and substantial supports. All tie wires must have an insulation equal to that of the conducting wires.

Sec. 2. All joints must be so made that a perfectly secure and unvarying connection fully equal to the cross-section of the conducting wire will be secured, and they must be soldered. The following formula for a soldering fluid is approved:

Saturated solution of zinc	5 parts.
Alcohol	4 parts.
Glycerine	1 part.

Any excess of which should be washed off before the splice is covered. This also applies to inside wires. All joints must be securely wrapped with the tape approved by the inspector.

Sec. 3. Care must be taken that conducting wires are not placed in such position that it would be easy for water or any liquid to form cross-connection between them, and they should not approach each other nearer than one foot. The wires must never be allowed to come in contact with any substance other than their supports.

Sec. 4. Conducting wires carried over or attached to buildings must be at least five feet above the highest point of flat roofs, and one foot above the ridge of pitch roofs. Lines constructed subsequent to the adoption of these rules should not be run over or attached to buildings other than those in which the light or power is being or is to be used, but should be on separate poles or structures, where they can be easily reached for inspection.

Sec. 5. When they are in proximity to other conducting wires, or any substance likely to divert any portion of the current, dead insulated guard irons should be placed so as to prevent any possibility of contact in case of accident to the wires or their supports. The same precautions

must be taken where sharp angles occur in the line wires to prevent wires falling in case of the breaking of the pin or insulator.

Sec. 6. Overhead wires from the main circuit or pole in the street to the terminal insulators attached to buildings, and at the point where they enter the building, must not be less than twelve inches apart. They must be rigidly and neatly run and supported by glass insulators.

Sec. 7. Service blocks must be protected by at least two coats of waterproof paint over their entire surface.

Sec. 8. For entering buildings wires must be protected by a continuous covering of hard rubber or glass, said covering to project at least two inches each side of the wall. The wires must slope down so that water will drip off without entering the building, and the holes through which they enter must, where possible, slant up from the outside.

Sec. 9. Service wires must come in contact with nothing save their insulating supports, except in unavoidable cases, when a wire on extra insulation, suitable for the purpose must be used.

Sec. 10. Wires must enter and leave a building through an approved entant switch.

Sec. 11. The cutout switch must be a double contact, and must effectually close the main circuit, and cut off the interior; when turn "off" it must be so constructed that there shall be no arc between the points when "on" and "off." It must be automatic in its action in either direction, not stopping between points when once started. It must indicate upon inspection whether the current is "on" or "off."

Sec. 12. It must be mounted on a non-conducting base, kept free from moisture, when possible, over the entrance to the building, easy of access to firemen and police.

Inside Wires.

Sec. 13. Wires must not be concealed; they must be run in plain sight, so as to be open to inspection at any time. They must be kept apart at least ten inches.

Sec. 14. Wires must be rigidly and neatly run and supported by glass or porcelain insulators.

Sec. 15. In places liable to dampness wires must be separated at least eighteen inches; they must be thoroughly and carefully put up and supported upon porcelain or glass insulators. They should also be provided with an approved insulation covering.

Sec. 16. When wires pass through walls, floors, partitions, etc., indoors, continuous coverings of glass or hard rubber must be used, and said extra covering shall project not less than two inches each side of the wall, and two inches above the floor or one inch below the ceiling, as the case may be.

Arc Lamps.

Sec. 17. The frames and other exposed parts of the lamps must be carefully insulated from the circuit. For inside use, stops of some kind must be provided, to prevent the carbons from falling out in case their clamps fail to hold them, and these stops must always be in place when the lamp is burning. The lamp must be surrounded by a globe, resting in a tight stand, so that no particles of melted copper or heating carbon can escape.

Sec. 18. When anything inflammable is near or under the lamp the globe must be protected by a wire netting. Unless a very high globe, which closes in as far as possible at the top is used, must be provided with some protection or spark arrester, reaching to a safe distance above the light. Broken or cracked globes must be replaced immediately by perfect ones. (By inflammable is meant dry goods, clothing, millinery, and the like, in stores; flyings or goods in factories, or any other substance that can be readily ignited by droppings from the lamp.)

Incandescent Lamps and Arc Light Circuits.

Sec. 19. All rules for running arc lamps apply also to incandescent lamps run in series.

Sec. 20. Fixtures attached to gas pipes or other bodies capable of forming a ground connection will not be allowed.

Series Incandescent Circuits.

Sec. 21. Incandescent lamps in series circuits, having a maximum potential of 350 volts or over, must be governed by the same rules as for arc lights, and each series lamp provided with a hand switch and automatic cut-out switch. When lights are in multiple series, such switches must not control less than a single group of lights. No electric magnet device will be approved for this purpose.

Sec. 22. Wooden ceiling blocks will not be approved. Ceiling blocks must be made of porcelain or some other non-combustible and non-conducting material.

Sec. 23. Any method of distributing current to incandescent lamps on arc-light circuits other than as provided for must receive the approval of the inspector before being put to use.

Dynamos, Motors and Switch Boards.

Sec. 24. They must be located in dry places, not exposed to flyings or combustible material, and must be insulated on dry wood, filled to prevent absorption of moisture. They must be kept thoroughly clean and dry. They must be provided with a reliable, automatic, regulating

device or a competent person must be in attendance near the machine whenever it is in operation. In wiring for motive power the same precautions must be taken as with a current of the same volume and potential for lighting.

Sec. 25. All wires leading to or from dynamos or motors should lead "up" to the ceiling, not "down" through the floor, and they must be so run when the space below the floor is not absolutely dry and easy of access.

Sec. 26. The wires leading to motors must be separated at least ten (10) inches from each other, and must be provided with an approved cut-out switch at the point where they enter the building. The same precaution must be observed in entering a building that is required for lighting circuits.

Sec. 27. Switch boards, or other apparatus for controlling circuits, must be so located that they will be accessible and open on all sides and entirely disconnected from all woodwork or combustible material; also kept free from moisture. They should be as near non-combustible as possible.

Testing.

Sec. 28. All circuits must be tested at least twice a day with a suitable bridge or device approved by the Inspector in order to discover any escape to the ground that may exist. The rules for testing must be observed in any isolated plant the same as in central stations.

Sec. 29. Incandescent (low-pressure) systems.

Three Hundred Volts or Less.

All outside overhead conductors must be erected according to the general rules governing arc (series) circuit conductors. They must be separated not less than six inches where they enter buildings as service conductors, and provided with a double-pole fusible cut-out, as near the point of entrance to the building as practicable.

Underground Service.

Sec. 30. Where underground service conductors, enclosed in metal tube enter a building, special care must be taken at the point where the conductors leave the tube, and thence to the main cut-out, to protect them in such manner that they can not come in contact with each other or with the tube, or be acted upon by falling moisture, nor be disturbed by anything falling against them.

Sec. 31. This service must not end at any place where it would be unsafe or undesirable to place a cut-out, but should be continued by

means of specially insulated conductors, and a space of ten inches must be maintained between them to a suitable location.

Inside Wiring.

Sec. 32. Wires should be so placed that in the event of the failure or deterioration of their insulated coverings the conductors will still remain insulated. At the entrance of every building there shall be a double-pole switch placed in the service conductors, whereby the current may be entirely cut off.

Conductors.

Sec. 33. Must have an approved insulating covering, and must not be of sizes smaller than No. 14, B. & S., No. 6, B. W. G., or No. 4, E. S. G.

Sec. 34. Must be protected when passing through floors or through walls, partitions, timbers, etc., in places liable to be exposed to dampness by waterproof, non-combustible insulating tubes, such as glass or porcelain, except in cases where it is impossible to use a rigid tube, an approved flexible tube may be permitted.

Sec. 35. Must be protected when passing through walls, partitions, timbers, etc., in places not liable to be exposed to dampness by approved insulating bushings for this purpose.

Sec. 36. Must be kept free from gas, water or other metallic piping, or any other conductors or conducting material, which they may cross, except high potential conductors, by some continuous and firmly fixed non-conductor.

Sec. 37. Must be so placed in crossing high potential conductors that there shall be a space of at least three inches or greater where required by special conditions at all points between high and low tension conductors.

Sec. 38. Must be so placed in wet places that an air space will be left between the conductors and pipes in crossing and the former must be run in such a way that they can not come in contact with the pipe accidentally. Wires should be run over all pipes upon which condensed moisture is likely to gather, or which by leaking might cause trouble on the circuit.

Special Rules.

Sec. 39. Cleat work is not desirable, and cleats must not be used unless in a perfectly dry place, in a place perfectly open for inspection at any time. They must be of glass, porcelain or some non-combustible material, and have a backing provided of same at least three-eighths of an inch in thickness.

Sec. 40. Wiring not encased in approved conduits, must be so arranged that wires of opposite polarity, with a difference of potential of 150 volts or less, will be kept apart at least two and one-half inches, and must have the same distance increased proportionately where a higher voltage is used, unless they are encased in an approved conduit.

Sec. 41. Wires must not be laid in plaster, cement or similar finish, except when the walls or ceilings are of fire-proof material, brick or tile. No joint will be allowed under plaster. Metal staples must never be used to fasten conductors.

Sec. 42. In unfinished lofts, between floors and ceilings, in partitions and other concealed places, wires must have at least one-half inch clear air space surrounding them, and where wires pass through joists, beams, etc., they must conform to Section 34. They must be at least six inches apart when possible, and should be run singly on separate timbers or studding.

Sec. 43. Wires run as above immediately under roofs in proximity to water tanks or pipes will be considered as exposed to moisture.

Sec. 44. Wires must not be fished for any great distance, and only in places where the inspector can satisfy himself that the above rules have been complied with. Twin wires must never be employed in this class of concealed work.

Special Wiring.

Sec. 45. In breweries, packing houses, stables, dye houses, paper or pulp mills, or other buildings specially liable to moisture or acid, or other fumes liable to injure the wires or insulation, except where used for pendants, conductors must be separated at least six inches. Must be provided with an approved waterproof covering and must be carefully put up.

Sec. 46. Conductors must be supported by glass or porcelain insulators. No switches or fusible cut-outs will be allowed where exposed to inflammable gases or dust to flyings or combustible materials, they must be protected when passing through walls, partitions, floors, timbers, etc., by waterproof, non-combustible insulating tubes, such as glass or porcelain.

Sec. 47. The wires in passing through floors must be protected to a height of eight feet by a box so constructed as to allow an air space around the wire, the joint between the box and floor to be made waterproof by a quarter round moulding laid in tar. Where this construction is followed wires may be run through floor without insulating tubes, provided a similar air space be maintained.

Interior Conduits.

Sec. 48. Must be continuous from one junction box to another, or to fixtures, and must be of material that will resist the fusion of the wire or wires they contain, without igniting the conduit; must not be of such material or construction that the insulation of the conductor will be ultimately injured or destroyed by the elements of the composition; must be first installed as a complete conduit system, without conductors, strings or anything for the purpose of drawing in the conductors and the conductors then to be pushed or fished in. The conductors must not be placed in position until all mechanical work on the building has been, as far as possible, completed; must not be so placed as to be subject to mechanical injury by saws, chisels or nails; must not be supplied with a twin conductor, or two separate conductors in a single tube where a current of more than seven amperes is expected; must have all ends enclosed with a good adhesive material, either at junction boxes or elsewhere, whether such ends are concealed or exposed. Joints must be made airtight and moisture proof.

Conduits must extend at least one inch beyond the finished surface of walls or ceilings until the mortar or similar material be entirely dry, when the projection may be reduced to one-half an inch.

Double-Pole Safety Cut-outs.

Sec. 49. Must be in plain sight or enclosed in an approved box readily accessible; must be placed at every point where a change is made of the size of the wire (unless the cut-out in the larger wire will protect the smaller); must be supported on bases of non-combustible, insulating, moisture-proof material; must be supplied with a plug or other device for enclosing the fusible strip or wire, made of non-combustible and moisture-proof material, and constructed that an arc can not be maintained across its terminals by the fusing of the metal; must be so placed that no group of lamps requiring current of more than five amperes shall be ultimately dependent upon one cut-out. Special permission may be given for departure from the above. All cut-out blocks should be stamped with their maximum safe carrying capacity in amperes.

Safety Fuses.

Sec. 50. Must all be stamped or otherwise marked with the number of amperes with which they will fuse; must have fusible wires or strips where the plug or other equivalent device is not used, and where over five amperes of current is carried with surfaces or tips of hardened metal, soldered or otherwise, having perfect electrical connection with the

fusible parts of the strip; must all be so proportioned to the conductors they are intended to protect that they will melt before the maximum safe-carrying capacity is exceeded.

Table of Capacity of Wires.

Sec. 51. It must be clearly understood that the size of the fuse depends upon the size of the smallest conductor it protects, and not upon the amount of current to be used on the circuit. Below is a table showing the safe-carrying capacity of conductors of different sizes in Brown and Sharp's gauge, which must be followed in the placing interior conductors.

Table A. Concealed Work. B. & S. Gauge.	Amperes.	Table B. Open Work. Amperes.
0000	218	312
000	181	262
00	150	220
0	225	185
1	105	156
2	88	131
3	75	110
4	63	92
5	53	77
6	45	65
8	33	46
10	25	32
12	17	23
14	12	16

Switches.

Sec. 52. Must be mounted on moisture-proof and incombustible bases, such as marble, slate or porcelain; be double-pole when the circuits which they control are connected to fixtures attached to gas pipes, and when a current of six amperes are expected to pass through them; have a firm and secure contact; must make and break readily, and not stick when motion is once imparted to the handle; have a carrying capacity sufficient to prevent heating above the surrounding atmosphere; be placed in dry accessible places, and be grouped, as far as possible, being mounted, when practicable, upon slate or equally indestructible backboards.

Dynamos and Motors.

Sec. 53. Must not be placed in a room where any hazardous process is carried on, such as the working rooms of cotton, oil, woolen or flour

mill; must be located in dry place not exposed to flyings or combustible materials, and must be insulated upon dry, well-varnished wood foundations, and kept thoroughly clean and dry.

A competent man must be kept in attendance where generators are in operation.

In wiring for motive power, the same precaution must be taken as with currents of the same strength and potential for lighting.

The motor and resistance box must be protected by a double-pole cut-out and controlled by a double-pole switch.

All motors must be protected by a wire railing or some method approved by the inspector.

Fixtures.

Sec. 54. In all cases where conductors are concealed within or attached to gas fixtures the latter must be insulated from the gas-pipe system of the building.

When wired outside the conductors must be so secured as not to be cut or abraded by the pressure of the fastenings or motion of the fixings.

All conductors for fixtures must have a waterproof insulation that is durable and not easily abraded, and must not in any case be smaller than No. 16 B. & S., No. 18 B. W. G., or No. 3 E. S. G.

All burrs and fins must be removed before the conductors are drawn into a fixture.

The tendency to condensation within the pipes must be guarded against by sealing the upper end of the fixture.

No combination fixture in which the conductors are concealed in a space less than one-fourth inch between the inside pipe and outside casing will be approved.

Each fixture must be tested for possible contacts between conductors and fixture and for short circuits before the fixture is connected to its supply conductors.

The ceiling blocks of fixtures must be made of insulating material.

Electric Gas Lighting.

Sec. 55. When electric gas lighting is to be used on the same fixture with electric lights no part of the gas piping or fixture shall be in electrical connection with the gas lighting circuit, the wires used with the fixture must have a non-inflammable insulation, or, where concealed between the pipes and shell of the fixture, the insulation must be such as is required for fixture wiring for electric lights.

The whole installation must test free from grounds.

The two installations must test free of all connections with each other.

Pendants and Sockets.

Sec. 56. No portion of the lamp socket exposed to contact with outside objects must be allowed to come into electrical contact with either of the conductors.

Cord pendants must be made of conductors, each of which is composed of several strands insulated from the other conductor by a mechanical separator of carbonizable material, and both surrounded with a moisture-proof and non-inflammable layer, protected by hard rubber insulating bushings where the cord enters the socket, so suspended that the entire weight of the socket and lamp will be borne by knots above the point where the cord comes through the ceiling board or rosette, in order that the strain may be taken from the joints and binding screws. All sockets used for wire or cord pendants should have openings at least equal to one-fourth-inch gas pipe size; allowed to sustain nothing heavier than a four-light cluster, and in such a case special provision should be made by an extra heavy cord or wire as a mechanical reinforcement; equipped with keyless sockets, as far as practicable, controlled by wall switches. In no case may a lamp giving more than fifty candle-power be placed in a key socket on a flexible pendant.

CHAPTER III.

ELECTRIC RAILROAD WIRING.

ARTICLE 1099. Section 1. All rules pertaining to arc light wires and stations shall (so far as possible) apply to street railway power stations and feed wires.

All railway systems where the rails are used for return circuits shall be provided with an approved automatic circuit breaker, or other device, that will immediately cut off the current in case the trolley wires become grounded. Said circuit breaker or controlling device shall be placed in the power station in full view of the attendant, and must be mounted on fireproof foundation or base.

All trolley wires shall be insulated from their supports, and in case the side or double-pole system is used the supports shall also be insulated from the poles immediately outside of the trolley wire.

All wires in cars must be insulated with an approved waterproof insulation, and shall be run neatly and out of reach of the passengers.

Lighting and power wires shall not be permitted in the same circuit with trolley wires with a ground return except in street railway car houses, power stations and buildings used and controlled by the street railway company.

Miscellaneous.

Sec. 2. All outside, overhead circuits, leading from the central stations, must be supplied with approved lightning arresters. Said lightning arresters must be placed in the station in plain sight on a non-combustible base. The ground wires leading from them shall be of copper equal to a No. 4 B. & S. gauge, and shall be fastened securely to an approved ground.

No ground wires for lightning arresters may be attached to gas pipes within the building.

Sec. 3. The wiring in any building must test free from "grounds" before the current is turned on. This test may be made with a magnetic bell that will ring through a resistance of 20,000 ohms where currents of 250 volts or less are used. All conductors connecting with telephone, district messenger, burglar alarms, watch, clock, electric time and similar instruments must, if in any portion of their length they are liable to become crossed with circuits carrying currents for light or power, be provided near the point of entrance to the building with some protective device which will operate to shut the instrument in case of a dangerous use of potential, and will open the circuit and arrest an abnormal flow.

Sec. 4. Companies or individuals furnishing incandescent electric light from either central stations or isolated plants, must maintain at all times in their stations some approved device to indicate instantly any escape to earth which may tend to develop leakages to water or gas pipes or other earth connections within buildings.

Sec. 5. All electric work must be inspected before it is concealed, and notice must be given the Electrical Engineer, and accepted by him before any work is covered or put in use.

Sec. 6. All joints must be soldered, even if made with the McIntyre or other patent splicing device. This applies to all outside or inside.

Sec. 7. All aerial (dead) wires must be taken down from their supports and removed immediately. This applies to all electric wires of whatever nature.

Materials.

Sec. 8. The following are given as a list of non-combustible, non-absorptive insulating material, and listed here for the benefit of those who might consider hard rubber, fibre, wood and the like as fulfilling the above requirements. Any other substance which it is claimed should be accepted, must be approved.

Thoroughly vitrified and glazed porcelain.

Glass, slate without metal veins, pure sheet mica, marble (filled), Alberine stone.

Sec. 9. The following wires having been accepted by the Under-

writers' International Association, will be accepted until further notice. Due notice will be given of additions or corrections to the list.

Americanite, Bishop, Canvasite, Crescent, Crown, Clark, Edison machine, Grimshaw (white core), Habershaw (red core), Kerite, National India Rubber Co. (N. I. R.), Okonite, Paranite, Raven core, Requa (white core), safety insulated (safety black core), Salamander (rubber covering), Simplex.

None of the above wires to be used unless protected with a substantial braided outer covering.

CHAPTER IV.

WIRING, ETC., GENERALLY.

ARTICLE 1100. No person or persons shall construct, alter or repair any electric wires within the City of Austin, except in conformity with the provisions hereof.

ARTICLE 1101. No material shall hereafter be used in the construction of electric wiring within the City of Austin unless the same shall have previously been approved by the Electrical Engineer in accordance with the regulations governing wiring.

ARTICLE 1102. The Electrical Engineer employed by the City Council shall have general supervision of the electric light and power plant, and no connections shall be made thereto except as he shall direct, and in accordance with the regulations governing wiring, and after written application has been regularly made and written permit granted, and he shall keep a record of all permits issued, which shall be regularly numbered in order of their issue. He shall, upon being served with a notice requiring him to visit and inspect any building upon or in which work is being done under the provisions of this ordinance do so forthwith.

ARTICLE 1103. He shall examine all buildings, or cause same to be examined, in which work is being done under the provisions of this ordinance as often as practicable, and make a record of all violations, if any, of the several provisions of this ordinance, together with the street and number where such violations are found, the name of the owner, lessee, occupant, and all other matters relative thereto. He shall, so far as may be necessary for the performance of his duties, have the right to enter any building or premises, and to examine and inspect such work in process of construction, and to direct the supervision of any such work as shall not conform to the requirements in this ordinance contained. And no person shall continue wiring of any kind in the City of Austin after he, said Electrical Engineer, shall have in writing directed the suspension thereof for such reason. He shall not during his employment by the city be employed or engaged directly or indirectly in

any wiring business or in any contract for wiring for others, or for furnishing material for wiring for others. He shall have charge of, inspect and examine and exercise general supervision over all electrical work in the City of Austin.

ARTICLE 1104. Every individual, firm or corporation before entering upon the erection, construction, alteration or change of any electrical work or wiring in the City of Austin, shall file with the Electrical Engineer plans and specifications showing such work or alterations and shall obtain a written permit from him for such proposed work before proceeding therewith. The Electrical Engineer shall examine such plans and specifications and determine whether the work proposed conforms to the ordinances and regulations governing wiring relative thereto, and is a safe and proper construction or alteration, and, if so, he shall grant a written permit therefor.

ARTICLE 1105. Any person violating any of the provisions hereof shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than ten dollars nor more than two hundred dollars for each offense.

ARTICLE 1106. All wires carrying electric currents of 100 volts or more must be covered with what is known as weatherproof covering.

ARTICLE 1107. Bare wire or any wire with insulating material which has become defective or abraded, shall at once be taken down.

ARTICLE 1108. All primary line wires shall not be less than twenty feet from the ground.

ARTICLE 1109. No wire of less than No. 8 B. S. G. shall be allowed to convey any primary currents.

ARTICLE 1110. Poles shall be straight, peeled and shaved and not be less than twenty feet out of ground, nor less than six inches in diameter at top.

ARTICLE 1111. Any pole or wire deemed dangerous or defective by the City Electrician shall be taken down.

ARTICLE 1112. Any person who shall connect any electric wire within the City of Austin with any electric wire used for the purpose of receiving or supplying electricity without having first obtained the written permit of the Electrical Engineer employed by the City Council, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than ten dollars nor more than one hundred dollars.

TITLE XLIII.

WEIGHTS AND MEASURES.

CHAPTER I.

REGULATION OF.

ARTICLE 1113. It shall be unlawful for any dealer in coal or any other commodity, to sell the same by false weight or measure, and any person violating this article shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than five nor more than one hundred dollars.

ARTICLE 1114. It shall be the duty of the Mayor to procure and cause to be safely kept a set of standard weights and measures for the use of this city, and he shall authorize and direct the City Marshal, or any police officer, from time to time, to visit each and every place of business in this city, and compare the weights and measures therein used with said standard weights and measures, to see if they are correct and just; and any person found using any weights or measures not corresponding with said standard weights and measures shall be notified by said officer to change the same so as to correspond therewith; and any person or persons refusing or failing to comply with such notice at once, or using such false weights or measures, shall be deemed guilty of a misdemeanor, and on conviction shall be fined not less than five nor more than one hundred dollars.

APPENDIX.

AN ORDINANCE GRANTING TO RAILROAD COMPANIES THE PRIVILEGE OF ERECTING A UNION DEPOT BUILDING.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That the privilege is hereby granted for the erection of a passenger union depot building, on that portion of Cypress Street lying between Congress Avenue and Colorado Street, to the International & Great Northern, Houston & Texas Central, and Austin & Northwestern Railroad Companies, subject to the conditions hereafter mentioned; provided, that the International & Great Northern Railway Company will permit the Austin & Northwestern Railway Company to lay a third rail along their track from Congress Avenue to Colorado Street, at the expense of the Austin & Northwestern Railway Company, after the latter shall have joined in the construction of the depot building contemplated in this ordinance; and provided further, that if either of the railway companies referred to shall refuse or neglect to join in the construction of the depot building contemplated in this ordinance, the other two companies are hereby authorized to construct said building, in accordance with the provisions of this ordinance, which in such case shall be limited and made applicable only to the companies associated in the construction of the building.

SEC. 2. Said depot building shall be constructed of stone, brick, or iron, or a combination of these materials, and shall cost not less than fifteen thousand dollars, and shall extend in length from Congress Avenue to Colorado Street. It is expressly provided that no carriages or wagons, of any description, shall be allowed at any time to enter the depot building, the gates or doors in the ends of which shall be kept closed except when necessarily opened for the ingress and egress of trains and passengers; and such other regulations shall be observed as will promote safety and good order.

SEC. 3. Open space for public use, of not less than thirty feet in width, shall be left on each side of said building, between Congress Avenue and Colorado Street, ten feet of which space shall be separated from the rest by a strong railing for the purpose of a sidewalk only, said railing to be erected and kept in repair by said railroad companies, who shall also place and maintain in good condition the passage way herein referred to, as well as the approaches to the building on Congress Avenue and Colorado Street.

SEC. 4. If the depot building contemplated in this ordinance shall

not be in process of construction within six months from the passage of this ordinance, then the rights and privileges herein granted shall be forfeited and this ordinance shall no longer be in force, and if, at any time, the railroad companies referred to shall refuse or fail to comply with any of the conditions named in this ordinance, such refusal or failure shall operate as a forfeiture of this grant herein made.

SEC. 5. Whenever the railroad companies referred to in Section 1, shall signify their acceptance of the provisions of this ordinance, the Mayor is hereby authorized to enter into contract with said railroad companies, by which that portion of Cypress Street hereinbefore alluded to shall be leased to said companies for the purpose and on the conditions mentioned in this ordinance, for ninety-nine years; provided, that at the same time, a lease from the railroad companies shall be executed to the City of Austin, conveying for ninety-nine years that portion of the ground of the passage way before referred to, outside of and adjoining Cypress Street; and, provided further, that the contract and lease shall be submitted by the Mayor to the City Council for their examination and approval; provided, that any other railroad hereafter running in the City of Austin shall have the consent of the city to the privileges of this grant, with the consent of the railroad companies therein interested, on the completion of said depot building; and, further provided, that the center of said depot building shall be in the center of said street running lengthwise.

SEC. 6. All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this ordinance shall take effect and be in force from and after its passage.

Passed January 6, 1883.

Approved January 10, 1883.

AUSTIN CITY RAILWAY COMPANY.

Be it ordained by the City Council of the City of Austin: That the right is hereby granted to the Austin City Railroad Company to propel its cars along over the lines of railway now operated or hereafter to be operated by it under its charter and the amendments thereto and the ordinances of the city relating thereto, by electricity or other motive power, except steam, and to construct, use, and maintain the necessary appliances and equipment therefor.

Passed May 6, 1889.

Approved May 10, 1889.

AN ORDINANCE GRANTING THE RIGHT OF WAY WITHIN
THE CORPORATE LIMITS OF THE CITY OF AUSTIN
TO THE AUSTIN CITY RAILROAD COMPANY.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That the privilege is hereby granted to the Austin City Railroad Company to run a horse railroad from the depot of the Houston and Texas Central Railroad Company, in the City of Austin, by and upon such streets as they may think proper, to Congress Avenue, in said city, thence up said avenue to the Capitol enclosure, and thence by such route as they may deem best to the extent of the corporate limits, in a northerly direction, toward the State Lunatic Asylum. And the said company are hereby authorized to run and extend said horse railroad on any and all streets within the corporate limits of the City of Austin, wherever the interest of the public or the interest of the company may require it.

SEC. 2. That, in constructing the roadbed of said horse railroad upon any street within the corporate limits of the City of Austin, the said Austin City Railroad Company are to conform to the grade of the streets of the City of Austin through which they may run, said grade to be given by the City Engineer, under the direction and supervision of the street committee, and in erecting and constructing any roadbed upon any street, or crossing any street; said work to be done under the supervision of the street committee of the Board of Aldermen, and all streets and crossings to be and remain in as good condition after said roadbed may be put down as they were before they were erected.

SEC. 3. That the rate of fare for passengers upon said railroad shall not, at any time, exceed the sum of ten cents from one point in the City of Austin to any other point in said city.

SEC. 4. That said company is hereby required to observe and abide by all ordinances of the City of Austin now in force, and pay such taxes as may be assessed hereafter against them.

SEC. 5. That the said railroad company be and is hereby exempted from all taxes to the City of Austin for one year from the passage of this ordinance.

SEC. 6. That this ordinance take effect from and after its passage, and be in force so long as the provisions of this ordinance are observed.

Passed September 7, 1874.

Approved September 7, 1874.

AN ORDINANCE GRANTING THE RIGHT OF WAY TO THE
HOUSTON & TEXAS CENTRAL RAILWAY COMPANY
THROUGH THE CITY OF AUSTIN.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That the right of way to the Houston & Texas Central Railway Company be, and is hereby, granted through and across any streets in the City of Austin, except Congress Avenue and Pecan Street, and also except such other streets as are now occupied by other railroads, and said Houston & Texas Central Railway Company shall have the right to cross said excepted streets whenever necessary; provided, it shall not cross Congress Avenue above Cedar Street; and shall have the right of way over streets now or hereafter occupied by other railroads, by obtaining the consent of the company occupying the same; and further provided, that said Houston & Texas Central Railway Company shall select and indicate the streets it shall occupy with its tracks, and the crossings of those streets it may cross, within one year from the passage of this ordinance.

SEC. 2. Said Houston & Texas Central Railway Company shall have the right to build, own and occupy railroad bridges across Waller and Shoal creeks at any point or crossings which said company may select, on the line of projection authorized by the first section of this ordinance, whether in a street or to and from its own property, for its own occupation and use. Should said railway company avail itself of this grant of right of way, it shall construct and keep in good repair all necessary ditches, drains, culverts and street crossings; and the city reserves the right to control the speed of locomotives and cars within the city limits, and under the limitations prescribed by the laws of the State of Texas.

SEC. 3. The said City of Austin shall not be held responsible for any injury done to, or for the taking of any property not belonging to the said City of Austin for the use and benefit of said Houston & Texas Central Railway Company.

SEC. 4. That this ordinance shall take effect and be in force from and after its passage.

Passed February 15, 1877.

AN ORDINANCE AMENDING ARTICLES 487 (1), 488 (2), AND
489 (3), OF THE REVISED ORDINANCES OF
THE CITY OF AUSTIN.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That Articles 487 (1), 488 (2) and 489 (3), of the revised ordinances of the City of Austin, passed February 15, 1877, and which read as follows, towit:

"HOUSTON AND TEXAS CENTRAL RAILROAD.

"ARTICLE 487. (1) The right of way to the Houston & Texas Central Railway Company be, and is hereby granted through and across any streets in the City of Austin, except Congress Avenue and Pecan Street, and also except such other streets as are now occupied by other railroads, and said Houston & Texas Central Railway Company shall have the right to cross said excepted streets whenever necessary; provided, it shall not cross Congress Avenue above Cedar Street, and shall have the right of way over streets now or hereafter occupied by other railroads by obtaining the consent of the company occupying the same; and further provided, that said Houston & Texas Central Railway Company shall select and indicate the streets it is to occupy with its tracks, and the crossings of those streets it may cross, within one year from the passage of this ordinance.

"ARTICLE 488. (2) Said Houston & Texas Central Railway Company shall have the right to build, own and occupy railroad bridges across Waller and Shoal Creeks, at any points or crossings which said company may select, on the line of projection authorized by the first section of this ordinance, whether in a street, or to and from its own property, for its own occupation and use. Should said railway company avail itself of this grant of right of way, it shall construct and keep in repair all necessary ditches, drains, culverts and street crossings; and the city reserves the right to control the speed of locomotives and cars within the city limits, and under the limitations prescribed by the laws of the State of Texas.

"ARTICLE 489. (3) The said City of Austin shall not be held responsible for any injury done to, or for the taking of, any property not belonging to the said City of Austin for the use and benefit of said Houston & Texas Central Railway Company," be, and the same is hereby so amended as to read hereafter as follows, to wit:

"HOUSTON AND TEXAS CENTRAL RAILROAD.

"ARTICLE 487. (1) That the right of way to the Houston & Texas Central Railway Company be and is hereby granted through and across any streets in the City of Austin, except Congress Avenue and Pecan Street, and also except such other streets as are now occupied by other railroads; and said Houston & Texas Central Railway Company shall have the right to cross said excepted streets whenever necessary; provided, it shall not cross Congress Avenue above Cedar Street, and shall have the right of way over streets now or hereafter occupied by other railroads by obtaining the consent of the company occupying the same; and further provided, that said Houston & Texas Central Railway Com-

pany shall select and indicate the streets it shall occupy with its tracks, and the crossings of those streets it may cross, within one year from the passage of this ordinance.

"ARTICLE 488. (2) That said Houston & Texas Central Railway Company shall have the right to build, own and occupy railroad bridges across Waller and Shoal Creeks, at any points or crossings which said company may select, on the line of projection authorized by the first article of this chapter, whether in a street or to and from its own property, for its own occupation and use. Should said railway company avail itself of this grant of right of way, it shall construct and keep in good repair all necessary ditches, drains, culverts and street crossings; and the said City of Austin reserves the right to control the speed of locomotives and cars within the city limits, and under the limitations prescribed by the laws of the State of Texas.

"ARTICLE 489. (3) That the said City of Austin shall not be held responsible for any injury done to or for the taking of any property not belonging to the said City of Austin for the use and benefit of said Houston & Texas Central Railway Company; and that said Houston & Texas Central Railway Company shall make good crossings for all streets, and at the crossing of Congress Avenue the track shall be sunk to a level with crown of said avenue, planking same so as to make it convenient to cross at all points; and the said railway company shall not switch across Congress Avenue for the purpose of making up trains; and should said company move Waller Creek bridge, it shall be to the north line of the street, and the railroad bridge shall be built out to the south line of that street, making independent crossings for the railroad and the public; and provided, also, that the said company shall not be authorized to construct or maintain more than one track on the street designated by virtue of this ordinance, between the west side of Waller Creek and the west side of Congress Avenue; and should the said railway company avail itself of the right of way, granted by virtue of this ordinance, it shall, upon its abandonment of the track now laid on Pine Street, remove the same, and grade the bank on said street so as to make it convenient for travel; and provided further, that said railway company shall not have the right of way as set forth in this ordinance, except under the following conditions, to-wit: That a board of arbitrators, consisting of four persons, two of which are to be chosen by said Houston & Texas Central Railway Company and two by the City Council of the City of Austin, who shall be citizens and taxpayers of and in said city, which four shall choose a third person to act as referee, whose duty, combined, shall be to assess the value of the damages to the property fronting on the streets from Waller Creek to

Congress Avenue, through which said railroad shall pass, and such assessment shall be final and binding on the said railway company to pay the owners of said property."

Passed January 15, 1881.

Approved January 17, 1881.

AN ORDINANCE GRANTING THE RIGHT OF WAY TO THE
AUSTIN AND NORTHWESTERN RAILROAD COMPANY.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That the right of way is hereby granted to the Austin & Northwestern Railroad Company across Navasota Street, through Pine, to and across East Avenue; thence through Cedar Street to Red River Street; thence to and through Cypress Street, and across Congress Avenue, to connect with the International & Great Northern Railroad.

SEC. 2. That said Austin & Northwestern Railroad Company shall have the right to build, own and occupy railroad bridge across Waller Creek, along the line of projection authorized by the first section of this ordinance, whether in the street or to and from its own property, for its own use and benefit. Should said railroad company avail itself of this right of way, it shall construct and keep in good repair all necessary ditches, drains, culverts and street crossings, and at the crossing of Congress Avenue the track shall be sunk to a level with crown of said avenue, planking same so as to make a smooth, convenient and easy crossing at all points; and said company shall not switch across Congress Avenue for the purpose of making up trains; and provided further, that said railroad company shall not be authorized to construct or maintain more than one track on the streets designated by this ordinance between the west side of Waller Creek and the west side of Congress Avenue.

SEC. 3. That the City of Austin reserves the right to control the speed of locomotives and cars within the city limits, and under the limitations prescribed by the laws of the State of Texas.

SEC. 4. That the said City of Austin shall not be held responsible for any injury done to, or for the taking of, any property not belonging to the City of Austin, for the use and benefit of said Austin & Northwestern Railroad Company.

SEC. 5. That should any other railroad lay a track across or along any of the streets designated in this ordinance before said Austin & Northwestern Railroad shall avail itself of the benefits of this grant, then said Austin & Northwestern Railroad Company shall, with the consent of said other railroad, lay a third rail along their track and not have

the right to put down a separate and independent track, as contemplated in Sections 1 and 2 of this ordinance.

SEC. 6. That the top of the rails from the crossing of Waller Creek to Congress Avenue, shall conform to and be sunk to the grade of the streets, and that the crossings on the streets shall be put in such condition as provided for in the crossing of Congress Avenue.

Passed October 3, 1881.

Approved October 4, 1881.

AN ORDINANCE GRANTING THE RIGHT OF WAY TO THE
HOUSTON & TEXAS CENTRAL RAILWAY COMPANY, AND
TO REPEAL AN ORDINANCE ENTITLED "AN ORDINANCE
AMENDING ARTICLES 487 (1), 488 (2), 489 (3), OF THE
REVISED ORDINANCES OF THE CITY OF AUSTIN, AP-
PROVED JANUARY 17, 1881.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That the right of way to the Houston & Texas Central Railway Company be and is hereby granted across East Avenue to Cedar Street, and along Cedar Street to Red River Street, and across Red River Street to Cypress Street, and along Cypress Street to a connection with the International & Great Northern Railway Company.

SEC. 2. That the Houston & Texas Central Railway Company shall have the right to build, own and occupy railroad bridges across Waller and Shoal Creeks, at any points or crossings that said company shall select, on the line of projection authorized by the first section of this ordinance, whether in a street, or to and from its own property, for its own occupation and use. Should said railway company avail itself of this grant of right of way, it shall construct and keep in good repair all necessary ditches, drains, culverts, and street crossings, and the said City of Austin reserves the right to control the speed of locomotives and cars within the city limits and under the limitations prescribed by the laws of the State of Texas; and that the making up of trains, switching and stopping of cars, between East Avenue and Congress Avenue and across Congress Avenue, are hereby prohibited, and that there shall be only one track laid down and operated between East Avenue and Congress Avenue, and that should said railway company move Waller Creek bridge, it shall be moved to the north line of the street, and the railroad bridge shall be built out to the south line of that street, making independent crossings for the railroad and the public; which

said bridge and embankments shall be built at the expense of said railway company.

SEC. 3. Provided, that should the said railway company avail itself of this grant of right of way, it shall first file with the Mayor of the City of Austin an obligation, signed by the proper officers of said company, binding itself to lay its track from the intersection of Cypress Street to Congress Avenue, and across Congress Avenue, so that there shall be a safe and easy crossing for all vehicles at any and all points along and across said street, and further binding the said company to take up and remove, within twelve months after the occupancy under the right of way granted by this ordinance, its track along Pine Street, west of East Avenue, and to grade said street west of East Avenue to the satisfaction of the City Council of said city.

SEC. 4. The work to be done by said railway company under the provisions of this ordinance shall be subject to the supervision and approval of the city engineer and City Council of the City of Austin, as the work progresses.

SEC. 5. *Be it further ordained*, That an ordinance entitled "An ordinance amending Articles 487 (1), 488 (2), and 489 (3), of the Revised ordinances of the City of Austin," approved January 17, 1881, be and the same is hereby repealed.

Passed October 3, 1881.

Approved October 4, 1881.

AN ORDINANCE GRANTING THE RIGHT OF WAY TO THE AUSTIN & NORTHWESTERN RAILROAD COMPANY.

SECTION 1. *Be it ordained by the City Council of the City of Austin*: That the right of way is hereby granted to the Austin & Northwestern Railroad Company across Navasota Street, thence to and through Cedar Street, to and across Red River Street; thence to and through Cypress Street, and across Congress Avenue, to connect with the International & Great Northern Railroad Company.

SEC. 2. That the right of way through and along Cedar Street, east of East Avenue, shall be, and is hereby restricted to a distance not to exceed fifteen feet from the north side of said Cedar Street, to the outer rail of the track of said Austin & Northwestern Railroad Company.

SEC. 3. That so much of Medina, Concho and San Marcos Streets as extends from the north side of Cedar Street one hundred feet in a northerly direction, be and the same is hereby declared to be vacated, and said streets for the distance aforesaid are divested of their character and condition as public streets and thoroughfares of the City of Austin,

Texas, and the same said distance of one hundred feet as aforesaid is declared to be appropriated to the sole and exclusive use and enjoyment of the Austin & Northwestern Railroad Company, its successors or assigns, for the purpose of erection of depot houses, tracks and side tracks and switches thereon, with the obligation of reinvestiture in the said City of Austin, as streets and thoroughfares, when the same shall cease to be used and enjoyed by the said Austin & Northwestern Railroad Company, its successors and assigns, for the purpose hereinbefore recited.

SEC. 4. That the top of the rails along Cedar Street, east of East Avenue, shall conform and be sunk to the grade of the street, and that the crossings on said street shall be put in the same condition as is provided for the crossings upon Congress Avenue.

SEC. 5. That said Austin & Northwestern Railroad Company shall have the right to build, own and occupy a railroad bridge across Waller Creek, along the line of projection authorized by the first section of this ordinance, whether in the street, or to and from its own property, for its own use and benefit. Should said railroad company avail itself of this right of way, it shall construct and keep in good repair all necessary ditches, drains, culverts, and street crossings, and at the crossing of Congress Avenue, the track shall be sunk to a level with crown of said avenue, planking same so as to make a smooth, convenient and easy crossing at all points; and said company shall not switch across Congress Avenue for the purpose of making up trains; and provided further, that said railroad company shall not be authorized to construct or maintain more than one track on the streets designated by this ordinance between the west side of Waller Creek and the west side of Congress Avenue.

SEC. 6. That said City of Austin reserves the right to control the speed of locomotives and cars within the city limits and under the limitations prescribed by the laws of the State of Texas.

SEC. 7. That the City of Austin shall not be held responsible for any injury done to, or for the taking of any property not belonging to the City of Austin for the use and benefit of said Austin & Northwestern Railroad Company.

SEC. 8. That should any other railroad lay a track across or along any of the streets designated in this ordinance, before said Austin & Northwestern Railroad Company shall avail itself of the benefits of this grant, then said Austin & Northwestern Railroad Company shall, with the consent of said other railroad, lay a third rail along their track, and not have the right to put down a separate and independent track as contemplated in Sections 1 and 2 of this ordinance.

SEC. 9. That the top of the rails from the crossing of Waller Creek

to Congress Avenue shall conform to and be sunk to the grade of the streets, and that the crossings on the streets shall be put in such condition as provided for in the crossing of Congress Avenue; and provided further, that if the said railroad company refuse or neglect to comply with any of the requirements of this ordinance, that it operates as a forfeiture of the right of way.

SEC. 10. That all ordinances and parts of ordinances in conflict with this ordinance be and the same are hereby repealed.

Passed November 25, 1881.

Approved November 26, 1881.

AN ORDINANCE AMENDING ARTICLE 479 (1) OF THE REVISED ORDINANCES OF THE CITY OF AUSTIN, PASSED SEPTEMBER 7, 1879, GRANTING PRIVILEGES TO THE AUSTIN CITY RAILWAY COMPANY.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That Article 479 (1) of the Revised Ordinances of the City of Austin be amended so as to read as follows, viz.:

“(1) The privilege is hereby granted to the Austin City Railroad to run a horse railroad from the depot of the Houston & Texas Central Railroad Company, in the City of Austin, by and upon such streets as they may think proper, to Congress Avenue in said city; thence up said avenue to the capitol enclosure, and thence by said route as they may deem best to the extent of the corporate limits, in a northerly direction, towards the State Lunatic Asylum; and the said company is hereby authorized to run and extend said horse railroad on any and all streets within the corporate limits of the City of Austin, except Live Oak Street, wherever the interest of the company or the interest of the public may require it.

Passed March 17, 1884.

Approved March 24, 1884.

AN ORDINANCE GRANTING THE RIGHT OF WAY TO THE HOUSTON & TEXAS CENTRAL RAILROAD COMPANY TO LAY CERTAIN SIDE TRACKS IN THE CITY OF AUSTIN.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That the Houston & Texas Central Railroad Company be, and it is hereby granted the right of way and privilege of constructing, main-

taining and operating two side tracks, upon, over and along Cypress or Third Street east of Congress Avenue and upon, over and along Brazos Street and upon, over and along the alley in Block Number Thirty (30). The said side tracks to project from the main line of said Company's track in Cypress or Third Street, at a point or points west of San Jacinto Street, and to be constructed along and across the streets and alleys above named to, along the lines of, and upon Block Number Thirty (30) at the corner of Congress Avenue and Cypress or Third Street in said City of Austin.

SEC. 2. That should said Railroad Company avail itself of this grant, it shall construct and keep in good repair, all necessary ditches, drains, culverts and street crossings thereon; its tracks shall be laid in such grade lines as are practicable, and upon such grades as shall be established by the City and furnished by the City Engineer, or other engineer appointed by the City for that purpose; and the City reserves the right to change the grades thereof, if deemed necessary, and in event of such changes, said company shall make its roadbed conform to such change free of expense to the City. Said company shall cause its tracks to be at all times so laid and kept as to offer no obstruction at any time to easy passage of vehicles at such places as it may be lawful for them to pass.

SEC. 3. That the said City of Austin shall not be held responsible for any injury done to, or for the taking of any property not belonging to the said City of Austin for the use and benefit of said Houston & Texas Central Railroad Company.

SEC. 4. That this ordinance be in force from and after its passage.

I, Jno. O. Johnson, City Clerk of the City of Austin, Texas, do hereby certify that the above and foregoing ordinance was passed by the City Council at a regular meeting of said Council, held on the 18th day of April, A. D. 1898, and that said ordinance was placed in the City Clerk's office immediately after its passage on said 18th day of April, A. D. 1898, but the Mayor of said City failed to approve, or signify his disapproval thereof, for a longer period than ten days after said ordinance was placed in the City Clerk's office.

(Signed)

JNO. O. JOHNSON,
City Clerk.

Austin, Texas, April 29, 1898.

HOUSTON & TEXAS CENTRAL—AMENDING ARTICLES
487, 488, 489, RAILWAY ORDINANCE.

That the Houston & Texas Central Railway Company shall have the right to build, own and occupy railroad bridges across Waller and Shoal

Creeks at any place or crossing that said company shall select, on the line of projection authorized by the first section of this ordinance, whether in a street, or to and from its own property, for its own occupation and use.

Should said railway company avail itself of this grant of right of way, it shall construct and keep in good repair all necessary ditches, drains, culverts and street crossings, and the said City of Austin reserves the right to control the speed of locomotives and cars within the city limits and under the limitations prescribed by the laws of the State of Texas; and that the making up of trains, switching and stopping of cars between East Avenue and Congress Avenue and across Congress Avenue are hereby prohibited, provided that the said railway company shall have the right, with the consent of the owner, to switch and haul cars to, on and from any property situated between East Avenue and Congress Avenue. There shall be only one track laid down and operated between East Avenue and Congress Avenue, and that should said railroad company move Waller Creek bridge, it shall be moved to the north line of the street, and the railroad bridge shall be built out to the south line of the street, making independent crossings for the railroad and the public, which said bridge and embankments shall be built at the expense of said railway company. This ordinance shall be in force from and after its passage.

Passed October 14, 1889.

Approved October 16, 1889.

AN ORDINANCE GRANTING THE RIGHT OF WAY AND PERMISSION TO THE HOUSTON & TEXAS CENTRAL RAILROAD COMPANY TO CHANGE THE LOCATION OF CERTAIN SIDE TRACKS, CONSTRUCT OTHERS, AND TO MAINTAIN SAID TRACKS AND OPERATE ITS ENGINES AND CARS THEREUPON, AND TO AUTHORIZE THE CONSTRUCTION OF A BRICK PASSENGER STATION ADJACENT TO CONGRESS AVENUE IN THE CITY OF AUSTIN, TEXAS.

Whereas, at the regular session of the Twenty-seventh Legislature of the State of Texas, a special act was passed and approved March 28, 1901, authorizing the Houston & Texas Central Railroad Company to purchase certain railroads in this State, among others, the railroad of the Austin & Northwestern Railroad Company, extending from the City of Austin in Travis County, to the town of Llano, in Llano County; and it is provided by said act that if the City of Austin shall, within sixty days after the taking effect of said act, grant it the right to lay and maintain suitable tracks therefor, said Houston & Texas Central Railroad

Company shall by the first of December, 1901, construct and complete a comfortable and commodious brick passenger station adjacent to Congress Avenue in the City of Austin; and,

Whereas, The said City of Austin being desirous of complying with the provisions of said act, and the Houston & Texas Central Railroad Company having signified its intention of constructing the passenger station adjacent to Congress Avenue as provided in said act; therefore be it ordained by the City Council of the City of Austin:

SECTION 1. That the Houston & Texas Central Railroad Company be and it is hereby granted the right of way and privilege of constructing, maintaining and operating two side tracks over, upon and along Cypress or Third Street, across Brazos and Congress Avenues, the first of said tracks to connect with the present side tracks of said company in Cypress or Third Street at or near the southwest corner of block No. thirty-one (31) and to extend westwardly upon Cypress or Third Street across Brazos and Congress Avenue to a point of connection with the present side track of said company opposite the Union depot on Block No. nineteen (19), the center line of said track to be approximately eleven feet from the south line of block number thirty (30); the second track to connect with the main track of said company in Cypress or Third Street opposite lot number eleven (11) in block number seventeen (17), and to extend westwardly on Cypress or Third Street across Brazos Street and Congress Avenue to point of connection with the present side track of said company at or near the west line of Congress Avenue, the center line of said track to be approximately 25 feet south from the south line of block number thirty (30).

Said company is further granted the right and privilege of using for all purposes connected with the operation of its trains and in connection with the passenger station which is to be constructed, all that portion of Cypress or Third Street between the south line of block number thirty (30) and the track which is to be constructed adjacent to the south line of block number thirty (30), being the first side track referred to in this section.

SEC. 2. Should the railroad avail itself of this grant it obligates itself to remove the present side track extending from a point at or near the east line of Brazos Street westwardly along Cypress or Third Street in front of block number thirty (30) to the east line of Cypress Street, and also obligates itself to remove said portion of the present side track commencing at a point in its main track opposite the northwest corner of block number eighteen (18) and extending in a northwesterly direction to a point approximately 20 feet east of the west line of Congress Avenue, and to remove the switch fixtures and connections as now constructed where the said track which it is proposed to remove connects with the main track at or near the east line of Congress Avenue.

SEC. 3. Said company by the acceptance of this grant agrees to construct and keep in good repair all necessary ditches, drains, culverts, and street crossings along and over said tracks. Its tracks shall be laid on such grade lines as are practicable and upon the uniform street grades established by the City, and to be furnished said company by the City Engineer, or other engineer appointed by the City for that purpose. Said company shall cause its track to be at all times so laid and kept as to offer no unnecessary obstruction at any time to the easy passage of vehicles at such places as it shall be lawful for them to pass and approved by the City Engineer and Street Committee.

SEC. 4. That the said Houston & Texas Central Railroad Company is hereby authorized and granted permission to construct and maintain a comfortable and commodious brick passenger station on block No. thirty (30) at or near the east line of Congress Avenue.

SEC. 5. It is further provided that if, in the construction of said passenger station, it shall become necessary to change the location of any of the tracks of said railroad company as now constructed, or which may be hereafter constructed under an ordinance passed by the City Council of the City of Austin on the 18th day of April, 1898, that said company shall be and is hereby authorized to make such changes as may be requisite and necessary to afford proper facilities in and about the said passenger station.

SEC. 6. That this ordinance take effect and be in force from and after its passage.

Passed August 19, 1901.

Approved August 20, 1901.

AN ORDINANCE GRANTING TO THE HOUSTON & TEXAS CENTRAL RAILROAD COMPANY THE RIGHT TO CONSTRUCT, MAINTAIN AND USE A STEEL FUEL OIL STORAGE TANK; AND TO CONSTRUCT, MAINTAIN AND OPERATE THE NECESSARY PUMP, PIPE CONNECTIONS AND OTHER APPLIANCES FOR PUMPING OIL FROM TANK CARS TO SAID STORAGE TANK, AND FROM SAID TANK TO ITS ROUNDHOUSE, MACHINE SHOPS AND LOCOMOTIVES; TO USE SAID FUEL OIL AT ITS ROUNDHOUSE AND SHOPS; AND TO CONSTRUCT AND OPERATE A SPUR TRACK ADJACENT TO SAID OIL TANK IN THE CITY OF AUSTIN, TEXAS.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That the Houston & Texas Central Railroad Company be and is hereby granted the right and privilege of constructing, maintaining, using and

operating a steel fuel oil storage tank on Block No. four (4), Outlot ten (10), Division A, now owned by said company, in the City of Austin for the storage, use and distribution of fuel oil for its engines, roundhouse and shops, said tank to be located approximately 170 feet north from the center of its main track and 130 feet west of the east line of said block number four (4). The said tank shall be constructed of steel rings of not less than one-eighth of an inch in thickness, and may be of sufficient capacity to contain thirty-seven thousand five hundred (37,500) barrels of oil, and shall be protected by an earth levee or embankment of sufficient capacity to contain the quantity of oil stored in said tank.

SEC. 2. Said railroad company is further granted the right to construct, maintain and operate adjacent to said tank a pump to be used for handling the said oil for the purposes herein indicated.

The said Houston & Texas Central Railroad Company, is granted the right to use fuel oil at its shops and roundhouse, and for the purpose of conveying fuel oil from said storage tank to its shops and roundhouse it is hereby granted the right to lay a line of pipe from said oil storage tank in, over and upon Pine Street in a westerly direction, crossing all intervening and intersecting streets and alleys to its said roundhouse and shops, the said line of pipe to be laid under the direction of the City Engineer and Street Committee of the Council, and to be at all times so kept as not to obstruct or in any manner interfere with the easy passage of vehicles where it shall be lawful for them to pass.

SEC. 3. The said Houston & Texas Central Railroad Company is hereby granted the right to construct, maintain and operate a spur track upon, over, along and across Pine and Pedernales Streets in order to provide trackage facilities for the handling of said fuel oil, said spur track to leave the main track of said company at some point east of Pedernales Street and to extend in a westerly direction over, upon, across and along Pine and Pedernales Streets terminating in outlot No. 10, Division A, the said track to be laid under the supervision of the City Engineer and Street Committee of the Council, and to be at all times so kept as not to offer any obstruction to the passage of vehicles, where it shall be lawful for them to pass.

Passed February 5, 1902.

Approved February 6, 1902.

AN ORDINANCE GRANTING TO THE HOUSTON & TEXAS CENTRAL RAILROAD COMPANY THE RIGHT AND PERMISSION TO CONSTRUCT A PORTICO OVER A PORTION OF THE SIDEWALK IN FRONT OF BLOCK NO. 30 ON THE EAST SIDE OF CONGRESS AVENUE ADJACENT TO ITS PASSENGER STATION, AND TO APPROPRIATE AND USE SO MUCH OF THE SIDEWALK AS MAY BE NECESSARY TO ERECT THEREON PILASTERS FOR THE SUPPORT OF THE SAID PORTICO IN THE CITY OF AUSTIN, TEXAS.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That the Houston & Texas Central Railroad Company be and is hereby granted the right and permission to construct a portico for and in connection with its passenger station over the sidewalk in front of block number thirty (30) on the east side of Congress Avenue in the City of Austin, Texas, and the said company is further granted the right to appropriate and use so much of said sidewalk as may be necessary to erect thereon two pilasters on the curb line and two pilasters on the inner line of said sidewalk for the support of said portico, the two pilasters on the curb line not to extend more than three feet on the sidewalk and the two on the inner line not to extend more than one foot and six inches from the property line.

SEC. 2. Should the company avail itself of this ordinance it agrees and binds itself to at all times keep that portion of the walk between the said pilasters free and unobstructed for the use of the public.

SEC. 3. The said pilasters shall be constructed under the supervision of the architect having charge of the work of constructing said passenger station and to be approved by the City Engineer of the City of Austin and Street Committee.

Upon completion of said pilasters the said company agrees to repair and place the sidewalk in as good condition as the same now is.

SEC. 4. That this ordinance take effect and be in force from and after its passage.

Passed June 2, 1902.

Approved June 5, 1902.

AN ORDINANCE ENTITLED AN ORDINANCE GRANTING TO THE HOUSTON & TEXAS CENTRAL RAILROAD COMPANY A FRANCHISE TO CONSTRUCT AN EXTENSION OF A SPUR OR SWITCH TRACK ACROSS NECHES STREET FROM BLOCK 34 TO BLOCK 33 OF THE CITY OF AUSTIN.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That the Houston & Texas Central Railroad Company be and it is hereby granted the franchise or privilege to construct an extension from the terminus of a switch or spur track of said railroad company now on Block 34 of the City of Austin between East Third and Fourth Streets, beginning at the present terminus of said spur or switch track, and running therefrom in a westerly direction upon and across Neches Street to Block No. 33 of the City of Austin.

SEC. 2. That the construction of such extension to said track and maintenance thereof by said railroad company shall be under the supervision of and made in a manner satisfactory to the City Engineer and Street Committee.

SEC. 3. That by the acceptance of this franchise the Houston & Texas Central Railroad Company agrees to indemnify the City of Austin against any and all claims for damages which may be asserted against the City, because of the construction of said extension of said switch or spur track across said Neches Street.

Passed September 21, 1903.

Approved September 22, 1903.

AN ORDINANCE PERMITTING THE HOUSTON & TEXAS CENTRAL RAILROAD COMPANY TO EXTEND ITS TRACKS FROM A POINT ON EAST AVENUE EAST ON FOURTH STREET TO THE INTERSECTION OF MEDINA AND FOURTH STREET.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That the Houston & Texas Central Railroad Company be, and they are hereby permitted to extend their tracks and line of railroad from a point on East Avenue east on Fourth Street to the intersection of Fourth Street and Medina Street in the City of Austin, Texas.

SEC. 2. That said railroad company shall not be permitted to let cars stand on said extension for more than two days, and not then except for the purposes of unloading and loading same by the adjoining

property owners or lessees, and the said company shall not be allowed to make up trains on this extension.

SEC. 3. That a violation of the above section of this ordinance shall work a forfeiture of this permit.

SEC. 4. That said railroad company shall keep said street in good repair to the satisfaction of the Street Committee and City Engineer.

Passed February 23, 1905.

Approved March 5, 1905.

AN ORDINANCE GRANTING TO THE HOUSTON & TEXAS
CENTRAL RAILWAY COMPANY AUTHORITY TO ES-
TABLISH THE TRACKS AND IMPROVE-
MENTS HEREINAFTER DESCRIBED.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That the Houston & Texas Central Railroad Company be given express authority to establish and maintain tracks and improvements hereinafter described and made a part of this ordinance. First track shall begin at a point in East Fifth Street about one hundred and eighty feet west of the west line of Chicon or Pecos Street, and in the center of the main track of said Houston & Texas Central Railway Company, and thence in a northeasterly direction along said Fifth Street and across said Chicon or Pecos Street and entering property belonging to said company near the intersection of said streets.

Second track shall begin in the center of said main track of said company in East Fifth Street at a point about eight hundred feet east of the west line of said Pecos or Chicon Street and running thence in a northeasterly direction along said Fifth Street until the same centers property belonging to said company.

Third track shall be the removal and reconstruction of what is known as the old Austin & Northwestern track where it crosses East Sixth Street to a point about sixty feet east of its present location on the north line of said street and about eighty-five feet east of its present location on south line of said street.

Fourth track shall be a new track crossing said East Sixth Street on the north line thereof about forty feet west of said third track as removed and reconstructed, and on the south line about one hundred and thirty-five feet west of such new track as removed and reconstructed.

Said company shall also have the right to construct and maintain tracks across Canadian Street between East Fifth and Sixth Streets as follows, viz.: Two tracks and switch near south line of said Sixth Street; removal and reconstruction of said old Austin & Northwestern

Railroad Company track to a line about midway between Fifth and Sixth Streets, and one additional track and switch about thirty feet north of said last-named removed and reconstructed track.

SEC. 2. That in constructing each and all of the tracks aforesaid the said company shall observe the grades of its present tracks and conform such new and additional tracks to the grades thereof, and to construct all necessary culverts so as not to interfere with the drainage of the streets crossed, and shall restore the streets crossed to as good condition for safe travel as may be required by law.

SEC. 3. This ordinance shall take effect from and after its passage.
Passed July 3, 1905.

Approved July 5, 1905.

AN ORDINANCE GRANTING THE RIGHT OF WAY TO THE
INTERNATIONAL & GREAT NORTHERN RAILROAD
COMPANY THROUGH THE CITY OF AUSTIN.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That the right of way to the International Railroad Company, now consolidated with the Houston & Great Northern Railroad Company, and known as the International & Great Northern Railroad Company, be and is hereby granted through and across any streets in the City of Austin, except Congress Avenue and Pecan Street, and also except such other streets as are now occupied by other railroads, and said International or International & Great Northern Railroad Company shall have the right to cross said excepted streets whenever necessary; provided, it shall not cross Congress Avenue above Cypress Street; and shall have the right of way over streets now occupied by other railroads by obtaining the consent of the company now occupying the same; provided, said International or International & Great Northern Railroad Company shall select and indicate the streets it shall occupy with its tracks, and the crossings of those streets it may cross, within one year from the passage of this ordinance. And said railroad company shall also have the right of way over the waterfront of the Colorado River to and from such point on the bank of the river as said company may select for the north abutment of its bridge across said river; provided, however, that said point of crossing does not interfere with any part of said river front now under lease to other parties, and that said part of river front does not exceed what is necessary for said abutment and crossing.

SEC. 2. That said International or International and Great Northern Railroad Company shall have the right to build, own or occupy a

railroad bridge across Shoal Creek or Waller Creek at any point or crossing which said railroad company may select, on the line of projection authorized by the first section of this ordinance, whether in a street or to and from its own property, for its own occupation and use. Should said railroad company avail itself of the grant of right of way, it shall construct and keep in good repair all necessary ditches, drains, culverts and street crossings; and the city reserves the right to control the speed of locomotives and cars within the city limits and under the limitations prescribed by the laws of the State of Texas.

SEC. 3. That the said City of Austin shall not be held responsible for any injury done to, or the taking of any property not belonging to the said City of Austin, for the use and benefit of said International or International & Great Northern Railroad Company.

SEC. 4. That this ordinance take effect and be in force from and after its passage.

Passed April 17, 1876.

Approved April 18, 1876.

AN ORDINANCE GRANTING TO THE INTERNATIONAL & GREAT NORTHERN RAILROAD COMPANY THE PRIVILEGE OF OCCUPYING AND USING A PORTION OF THE ALLEY IN BLOCK NO. 19 FOR THE PURPOSE OF ERECTING A PASSENGER DEPOT FOR THE USE OF SAID RAILROAD COMPANY IN THIS CITY.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That the privilege is hereby granted to the International & Great Northern Railroad Company to occupy and use ninety-two (92) feet of the north end of the alley running north and south through block 19, being that part of said alley lying between lots No. 5 and 6 in said block No. 19, on the east, and lots No. 7 and 8 in said block, on the west, the same to be occupied and used by said railroad company for the purpose of erecting a passenger depot for the use of said railroad company in this city, and for no other purpose.

That this privilege is granted upon these express conditions, to-wit:

First. That said International & Great Northern Railroad Company shall leave an open way along the south side of said passenger depot, at least twenty feet wide, connecting with said alley and extending east from said alley to Congress Avenue, and also extending west from said Colorado Street, and such way shall be kept open for public travel.

Second. That said International & Great Northern Railroad Company shall be liable for all damages that may be sustained by any person own-

ing property abutting on said alley by reason of closing up the same as herein provided, and shall hold the City of Austin harmless as to all suits or judgments for such damages, and this grant is accepted by said railroad company subject to this condition.

Third. That said passenger depot shall be commenced within ninety days and completed within one year from the passage of this ordinance.

Fourth. That if said railroad company shall fail to comply with any of these conditions, then this grant of privilege shall be forfeited.

That the privileges hereby granted to the said International & Great Northern Railroad Company may be used by any lessee of said International & Great Northern Railroad Company so long as said railroad may be operated and used by such lessee, upon condition that said lessee shall also be required to comply with all the conditions of this ordinance and shall be liable under the provisions of all of the conditions aforesaid of this ordinance.

That this ordinance shall take effect and be in force from and after its passage.

Passed February 20, 1888.

Approved February 22, 1888.

AN ORDINANCE GRANTING THE PRIVILEGE TO INTERNATIONAL & GREAT NORTHERN RAILROAD COMPANY TO CONSTRUCT, MAINTAIN AND OPERATE A SWITCH FROM THE TRACK OF SAID INTERNATIONAL & GREAT NORTHERN RAILROAD COMPANY TO AND ALONG THE SOUTH SIDE OF BLOCK NO. 27 OF THE CITY OF AUSTIN, TEXAS.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That the right and privilege is hereby granted to the International & Great Northern Railroad Company to construct, maintain and operate a switch leading from the track of the said International & Great Northern Railroad Company on Third Street to and along the south side of block No. 27 in the City of Austin.

SEC. 2. Said switch shall be constructed within the limits of Third Street and shall be laid under the supervision of the City Engineer of the City of Austin, and shall not be used until he has approved the construction thereof.

SEC. 3. Said railroad company shall not make up trains on said switch, or permit cars to stand on that part of the same in front of block No. 27 except when receiving or delivering freight from and to the occupants of the south half of said block. Said company may also use said switch for the purpose of delivering cars in front of lot No. 1 in block No. 28.

SEC. 4. Should said railroad company use said switch for any purpose other than those hereinafter stated it shall forfeit the rights and privileges hereby granted, and shall at its own cost remove said switch.

Passed March 2, 1896.

Approved March 4, 1896.

AN ORDINANCE GRANTING PERMISSION TO THE INTERNATIONAL & GREAT NORTHERN RAILROAD COMPANY TO EXTEND ITS TRACK ALONG FOURTH STREET ACROSS THE INTERSECTION OF SAN ANTONIO AND FOURTH STREETS AND TO THE CORNER OF BLOCK 26 IN THE CITY OF AUSTIN, AND TO A POINT ABOUT MIDWAY OF SAID BLOCK.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That the International & Great Northern Railroad Company, its manager, agents, and employes are hereby allowed and given authority to extend their line of railroad track along Fourth Street and across San Antonio Street on Fourth Street to block 26 of the City of Austin, and to a point within 20 feet of midway of said block 26 on Fourth Street.

SEC. 2. That the conditions, stipulations, and restrictions included in an ordinance permitting said railroad company to maintain and operate its trains on Fourth Street in the City of Austin, heretofore passed by the City Council of the City of Austin shall be and are hereby made a part of this ordinance; and the said railroad company is hereby required to put said track in the same condition, and maintain the same in the same condition as is the remaining track of said railroad company now on Fourth Street in the City of Austin.

SEC. 3. The ordinance, and all the sections thereof, heretofore passed by the City Council of the City of Austin, by which said railroad company was permitted to operate its said road on Fourth Street in the City of Austin, in so far as same are applicable, are made a part and parcel of this ordinance.

That said International & Great Northern Railroad Company shall be liable in the same manner, and be held to make the same improvements of the street and take the same care of the same, and the track thereon that said railroad company is required to do in the ordinance approved July 6, 1903, granting said company the right to place its track and operate its cars on the other portions of Fourth Street.

Passed December 5, 1904.

Approved December 7, 1904.

AN ORDINANCE CHANGING THE PERMISSION HERETOFORE GIVEN THE INTERNATIONAL & GREAT NORTHERN RAILROAD COMPANY TO EXTEND ITS TRACKS ON WEST FOURTH STREET TO THE AUSTIN DAM AND SUBURBAN RAILWAY COMPANY.

Be it ordained by the City Council of the City of Austin: That the permission heretofore granted the International & Great Northern Railroad Company to extend its tracks on West Fourth Street of the City of Austin, as approved December 7, 1904, page 402, book E of the Ordinances of the City of Austin, be and the same is hereby extended to and shall apply to the Austin Dam & Suburban Railway Company.

Passed February 23, 1905.

Approved February 25, 1905.

AN ORDINANCE ENTITLED AN ORDINANCE TO RELEASE UNTO THE MISSOURI, KANSAS & TEXAS RAILWAY COMPANY OF TEXAS ALL RIGHTS ACQUIRED BY THE CITY OF AUSTIN IN AND TO ALL THOSE CERTAIN STREETS AND ALLEYS IN OUTLOTS NOS. 31 AND 32, DIVISION O OF THE CITY OF AUSTIN, WHICH WERE DEDICATED FOR PUBLIC USE BY J. C. KERBEY AND WIFE, M. M. KERBEY, ON MAY 19, 1888, BY A CERTAIN PLAT RECORDED ON SAID DATE IN THE OFFICE OF THE COUNTY CLERK OF TRAVIS COUNTY, TEXAS, AND DECLINING TO ACCEPT SAID DEDICATION.

Be it ordained by the City Council of the City of Austin: That

WHEREAS, Heretofore, on the 19th day of May, A. D. 1888, J. C. Kerbey and M. M. Kerbey, husband and wife, being then the owners of outlots Nos. 31 and 32, Division O, of the City of Austin, Travis County, Texas, executed a certain plat of said outlots whereby they dedicated for public use the streets and alleys as shown and laid off in said plat or map, which said plat or map was on said date filed with the County Clerk of Travis County, Texas, and recorded in plat book No. 1, page 53 of the records of said office, which said plat and the record thereof are hereby referred to and made a part of this ordinance; and

WHEREAS, The City of Austin has never, either expressly or by implication, accepted said dedication, and it is not desired to accept same, but wishes to refuse to accept same; and

WHEREAS, No portion of said outlots, or either of them, has been sold, and no rights have accrued to any person, firm or corporation with reference to said streets and alleys in said plat set forth; and

WHEREAS, The Missouri, Kansas & Texas Railway Company of Texas is now the owner of said outlots Nos. 31 and 32, Division O of said City, having acquired same by deed from said J. C. and M. M. Kerbey, and said railway company desires to have said attempted dedication rejected and said outlots freed from whatever, if any, easement exists by virtue of said attempted dedication; now, therefore,

SECTION 1. The City of Austin does hereby decline and refuse to accept the dedication to each and all the streets and alleys set forth in the foregoing plat.

SEC. 2. The City of Austin hereby releases and relinquishes unto the said Missouri, Kansas & Texas Railway Company of Texas whatever right, title, interest, estate or easement it may have acquired in and to any of the aforesaid streets and alleys attempted to have been dedicated to public use by the aforesaid acts of said J. C. and M. M. Kerbey; and the Mayor of the City of Austin is hereby required to execute on behalf of the City of Austin such deed or acquittance as may be necessary to evidence the full relinquishment by the City of Austin to said railway company of all rights, title, interest, claim or easement which said City of Austin may have in and to any of said streets and alleys. This ordinance is not intended to in any way release to said railway any portion of Spence Street.

Passed April 3, 1905.

Approved April 7, 1905.

AN ORDINANCE GRANTING TO THE AUSTIN RAPID TRANSIT RAILWAY COMPANY THE PRIVILEGE OF LAYING A SWITCH FROM ITS MAIN LINE ON CONGRESS AVENUE, ALONG FOURTH STREET TO COLORADO STREET.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That the privilege is hereby granted to the Austin Rapid Transit Railway Company to construct, maintain and operate a switch from its main line on Congress Avenue, along Fourth Street to Colorado Street, to be used by its trailers in receiving passengers from the Austin Dam and Suburban Railroad, and on such other occasions as the public convenience may require the use of trailers by said Austin Rapid Transit Railway Company.

SEC. 2. Said switch shall be laid under the supervision of the City Engineer and the Street Committee of the City of Austin, and the privilege hereby granted may be enjoyed by said company for the period covered by the charter of said Austin Rapid Transit Railway Company.

Passed April 24, 1896.

Approved April 29, 1896.

AN ORDINANCE TO AMEND AND CONDENSE INTO ONE ORDINANCE ALL ORDINANCES OF THE CITY PERTAINING TO THE RIGHT OF WAY OVER THE STREETS OF AUSTIN TO M. M. SHIPE, HIS ASSOCIATES AND ASSIGNS, WHICH INURED TO THE BENEFIT OF THE AUSTIN RAPID TRANSIT RAILWAY COMPANY.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That the right of way heretofore granted to M. M. Shipe, his associates, successors and assigns to construct, maintain and operate street railways upon the streets of the City of Austin be continued in the Austin Rapid Transit Railway Company, its successors and assigns subject to the changes, modifications, amendments and conditions stated in this ordinance, so that, upon the acceptance of the terms of this ordinance by said company, all other ordinances of the city relating to the right of M. M. Shipe, his associates and assigns, shall be repealed and superseded by this ordinance.

SEC. 2. That the said Austin Rapid Transit Railway Company shall have the right to construct, maintain and operate single or double lines of street railway upon any of the streets and avenues of the City of Austin for the period of fifty (50) years, upon, and subject to, the conditions, terms and regulations hereinafter stated; provided, that where a single track is laid it shall be placed in the center of the street, and where two tracks are placed they shall be placed as near the center of the street as practicable.

SEC. 3. Before constructing a line of railway on any street upon which the Austin City Railroad Company now has a line or lines of railway, the Austin Rapid Transit Railway Company shall obtain the consent of the Board of Directors of the Austin City Railroad Company to the removal of the former's line thereon, which consent shall be expressed in a resolution of said board of directors embodying an abandonment and release to the City of Austin of the said Austin City Railroad Company's right of way over said street or the part thereof from which it may agree that its track shall be removed; and thereupon, the Austin Rapid Transit Railway Company, on its own responsibility and being alone liable to the owners of said road, shall remove said lines of the Austin City Railroad Company before constructing a new line, but only as fast as the work on the new line or lines progresses so as to require such removal.

SEC. 4. The conditions upon which such grant of right is made are that the Austin Rapid Transit Railway Company shall continue to maintain and operate its line now in operation on the streets upon which it

is located, and such change may be made in the grade of Rio Grande Street north of Thirteenth to and across Nineteenth Street as will make it practicable to operate said line between Fourteenth and Nineteenth Streets, or the company may make such change in that part of the line on Rio Grande Street located in or north of Thirteenth Street as may be necessary to avoid the high grade on Rio Grande Street between Thirteenth and Nineteenth Streets, and return to Rio Grande Street above Nineteenth Street; and it is a further condition of this grant of right that the Austin Rapid Transit Railway Company shall complete and put in operation not less than four miles additional railroad within fifteen (15) months from the date of the passage of this ordinance, and shall keep its lines in operation.

SEC. 5. Said street railway may run across all railway tracks in the city and over all bridges and culverts built by the city which the proper authorities shall determine to be large enough to admit of such use and still accommodate the other city travel over the same. Said railway company shall pay such proportion of the expense of keeping the bridges and culverts in order as the width of the track may bear to the width of the bridge or culvert.

SEC. 6. In the construction of said railway said company shall conform to the grade of the streets as given by the City Engineer and should the city establish a new grade and actually bring the street, other than that occupied by said company, to conform to such grade, said company shall regrade its road to conform to the new grade of the street. The tracks of said company shall be laid and kept not more than one inch above the grade of the street; the additional or second track to be placed on Congress Avenue shall be placed not more than six feet east of the present track as now located.

All damages done streets in removing tracks or constructing new lines shall be repaired by said company at its own expense. Should the city pave any street on which said company may have its line or lines, the company shall, at its own expense, pave between the rails of its track, and one foot on the outside of its rails, with material and workmanship of the same quality as that used by the city in such paving, and shall thereafter keep same in repair. If said company shall fail to put its road in the condition herein required or to do any work required by the terms of this ordinance on being notified by the city to put its tracks in the condition required by this ordinance, or to do any work required by this ordinance, the same may be done by the city and the reasonable expenses thereof may be recovered from said company.

SEC. 7. Said company may operate its cars by electricity as used by either the overhead system, underground system, the storage battery system or by endless cable system, or other noiseless and safe motors

other than by horse or mule power, and may erect poles along the outer lines of the sidewalks on the streets and place wires thereon, and may make necessary excavations therefor, but shall place the streets and sidewalks in as good condition as they were in before such excavations were made.

SEC. 8. The cars on said street railway may be run at the rate of ten miles per hour, except that around corners of streets the speed shall not exceed four miles per hour.

SEC. 9. Said company shall not charge exceeding five (5) cents fare between the hours of 6 a. m. and 10 p. m. for one continuous passage from any point of boarding the cars to the end of the line of said company in the direction that the car may be going; or, in case of a belt line, the point of commencement of a return trip by either part of the belt line; the point of commencement of a return trip to be established by said company. After 10 p. m. said company may charge not exceeding ten (10) cents for each passenger for such passage; provided, that children under five years of age, when accompanied by adult persons, and all police officers of the city shall be carried free of charge.

SEC. 10. All ordinances pertaining to the right of way of M. M. Shipe, his associates and assigns, are hereby repealed, and this ordinance shall take effect when the Rapid Transit Railway Company shall accept the terms of the same in writing, signed by its president and attested by its secretary, and filed with the City Clerk a copy of the resolution of its board of directors authorizing the acceptance of the terms of this ordinance. If not accepted by said company within ninety days from its passage it shall not take effect.

Passed August 25, 1891.

Approved August 26, 1891.

AUSTIN ELECTRIC RAILWAY COMPANY.

Be it resolved by the City Council of the City of Austin: That the Austin Electric Railway Company is hereby authorized to remove its track, poles and wires from Congress Avenue along East Second Street to Trinity Street and South on Trinity Street to First Street, and in lieu thereof to extend its tracks down Congress Avenue to First Street; thence eastward on First Street to a connection with its present track thereon, and to locate all necessary poles for the purpose of stringing its wires thereon.

Privileges here granted are in connection with and subject to the same terms and conditions as the ordinance heretofore enacted by this Council granting the right to the Austin Rapid Transit Railway Company and its successors and assigns to construct, equip and operate

street railways in the City of Austin, approved the 26th day of August, 1891.

Passed September 4, 1902.

Approved September 8, 1902.

AN ORDINANCE GRANTING TO THE AUSTIN ELECTRIC RAILWAY COMPANY THE RIGHT TO CONSTRUCT AND OPERATE A LINE OF STREET RAILROAD FROM A CONNECTION WITH ITS PRESENT TRACKS ON LAVACA STREET ALONG SEVENTEENTH STREET AND OTHER STREETS, AND REQUIRING THE OWNERS OF OTHER STREET CAR TRACKS TO ADJUST THE LOCATION OF THEIR TRACKS AND WIRES AS HEREIN REQUIRED.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That the right of the Austin Electric Railway Company, as successor in ownership of the rights and franchises granted to the Austin Rapid Transit Railway Company by ordinance of the Council approved August 26, 1891, and other ordinances amendatory thereof, to construct and operate a line of track with all necessary poles, wires and other appliances for propelling electric cars, from a connection with its main line at the intersection of Seventeenth and Lavaca Streets in an easterly direction to San Jacinto Street, thence on said street southward to Fifteenth Street, thence on said street eastward to Sabine Street, and thence on said street northward to Eighteenth Street, be and the same is hereby confirmed in the Austin Electric Railway Company, according to the terms and provisions of said ordinance above named.

SEC. 2. That the tracks and wires now on said Seventeenth Street, being the same laid and constructed under the franchise granted by this Council to the Austin Dam and Suburban Railway Company, be by the owners thereof taken up and removed northward on said street far enough to allow for the construction of a single track by said Austin Electric Railway Company south of said removed track, with a space of six feet between such tracks, and to evenly divide the street on the north and south side of said tracks, and that the trolley and other wires connected with said present line of railway track of said streets be removed and readjusted so as to allow space for the trolley and other wires necessary in the construction of said new line by said Austin Electric Railway Company; also that said company last named shall have the right to cut and cross the track of said present line when it reaches the same on Brazos Street.

SEC. 3. That said Austin Dam and Suburban Railway Company or

other owner or owners of the franchise and rights granted to said company shall have ten days from the passage of this ordinance within which to remove and readjust its said track and wires so as to conform to the terms of this ordinance, and should said company, or its successors in ownership fail, neglect or refuse to so remove its present track and wires within the time here named, the work of so doing shall be done by the City Engineer at the cost and expense of said Austin Electric Railway Company.

SEC. 4. That the said Austin Electric Railway Company shall be required to pay all expenses incurred in removing and adjusting the track and wires now on said Seventeenth Street to the requirements of this ordinance, and shall execute bond with good and solvent sureties payable to the City of Austin, and to be approved by the Mayor, in the sum of one thousand dollars, conditioned that said company will pay all such expenses and will defend any and all suits and will indemnify and save the City of Austin harmless against all damages and costs in case the city is cast in judgment in any suit brought by the owner or owners of said track and wires now in said street growing out of the removal thereof as required by the terms of this ordinance.

Passed December 1, 1902.

Approved December 3, 1902.

AN ORDINANCE PERMITTING THE AUSTIN ELECTRIC RAILWAY COMPANY TO CHANGE FROM A DOUBLE TO A SINGLE TRACK ITS LINE OF STREET RAILWAY ON EAST SIXTH STREET IN THE CITY OF AUSTIN.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That permission be and is hereby given the Austin Electric Railway Company to take up its double track on East Sixth Street between Congress Avenue and East Avenue in the City of Austin, and to construct in lieu thereof a single line of street railway (to be located in the center of said street), together with all proper connections, switches and turnouts necessary in the operation of its cars thereon.

SEC. 2. That all rights existing in said Austin Electric Railway Company under the ordinance heretofore passed by the City Council of the City of Austin, entitled "An Ordinance to amend and condense into one ordinance all ordinances of the city pertaining to the grant of the right of way over the streets of Austin to M. M. Shipe, his associates and assigns, which inured to the benefit of the Austin Rapid Transit Railway Company," passed August 25, 1891, and approved

August 26, 1891, and all duties and obligations in said ordinance imposed upon the said Austin Rapid Transit Railway Company, its successors and assigns, in the matter of constructing, maintaining and paving said single track of railway, switches and turnouts above mentioned, and in operating cars thereon, shall continue against the said Austin Electric Railway Company and in favor of the City of Austin, without alteration or abatement in any respect by the passage of this ordinance; provided, that said Austin Electric Railway Company shall not hereafter have the right to lay a double track along said Sixth Street between Congress Avenue and East Avenue without first obtaining the consent of the Council so to do.

Passed May 15, 1905.

Approved May 19, 1905.

AN ORDINANCE FIXING THE LOCATION OF THE TRACKS
OF THE AUSTIN ELECTRIC RAILWAY COMPANY
ON CONGRESS AVENUE.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That permission is hereby granted to the Austin Electric Railway Company to so place its tracks along Congress Avenue as that the center of each track shall be at a distance of five feet and nine and one-half inches from the center of the line of iron poles now existing along said avenue between the tracks of said company.

SEC. 2. The construction and maintenance of said tracks as above provided, and all duties and rights pertaining thereto shall be in accordance with the existing franchise of said company as successor in ownership of the Austin Rapid Transit Railway Company.

Passed January 6, 1905.

Approved January 18, 1905.

AN ORDINANCE GRANTING PERMISSION TO THE AUSTIN
DAM AND SUBURBAN RAILWAY COMPANY TO LAY TWO
TRACKS LEADING FROM ITS MAIN LINE ON FOURTH
STREET TO ITS CAR SHEDS SITUATED ON THE OLD
COURT HOUSE SQUARE.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That permission be granted for the period of twenty-five years to the Austin Dam and Suburban Railway Company to lay and maintain two tracks leading from its main line on Fourth Street to its car sheds

situated on the old court house square in the City of Austin, which tracks shall be used only for the purpose of running the cars of said company to said car sheds.

SEC. 2. The permission herein granted shall be subject to all the conditions of Section 5 of an ordinance approved July 3, 1895, and entitled "An Ordinance selling and conveying and authorizing and directing and requiring the mayor of the City of Austin to make a deed of conveyance to the Austin Dam and Suburban Railway Company, its successors and assigns, of the property of the City of Austin, known as the Austin Dam Railroad, and granting to the said Austin Dam and Suburban Railway Company, its successors and assigns, the right to operate and maintain street railroads within the City of Austin," and said company shall construct and maintain proper crossings on said turnout.

Passed January 21, 1896.

Approved January 31, 1896.

AN ORDINANCE TO BE ENTITLED AN ORDINANCE EXTENDING TO THE AUSTIN DAM AND SUBURBAN RAILROAD FOR A PERIOD OF ONE YEAR, THE RIGHTS AND PRIVILEGES GRANTED TO IT BY ORDINANCE OF THE CITY OF AUSTIN OF DATE JULY 3, 1895, SO AS TO ALLOW AN ADDITIONAL YEAR IN WHICH TO BEGIN WORK ON ANY EXTENSIONS OR ADDITIONS TO THEIR TRACKAGE AS NOW IN OPERATION, AND TO REPEAL ALL ORDINANCES IN CONFLICT WITH THIS ORDINANCE.

WHEREAS, By ordinance of date July 3, 1895, the City of Austin granted to the Austin Dam and Suburban Railway the right to extend its tracks over certain streets in the City of Austin, Texas, and operate their cars thereon subject to certain conditions and limitations, which rights and privileges, as well as the conditions and limitations, appear fully on the records of the ordinances of the City of Austin on page No. 46 of Book D, which are hereby referred to for particulars and made a part of this ordinance; and

WHEREAS, By reason of the stringency of the times and the scarcity of money it is impossible for said Austin Dam and Suburban Railway to comply with said conditions and begin the work of extension within the three years allowed by said ordinance; and

WHEREAS, The said Austin Dam and Suburban Railway is now in a condition to begin work on their extensions and push the same to completion, to the material advantage of the City of Austin; therefore

Be it ordained by the City Council of the City of Austin, That the time of limitation made in said ordinance of July 3, 1895, be and the same is hereby extended for a period of one year from the 3rd day of July, 1898, so that said Austin Dam and Suburban Railway shall have until July 3, 1899, within which to begin the work of extensions set out in said ordinance above referred to as completely and in the same manner as they would have had if the term of limitation in said ordinance had been for a period of four years instead of three and the said Austin Dam and Suburban Railway is hereby granted the same rights and privileges as therein granted, subject to the same conditions and limitations as therein specified, except as by this ordinance otherwise provided.

That this ordinance shall take effect and be in force from and after its passage.

Passed February 6, 1899.

Approved February 6, 1899.

AN ORDINANCE SELLING AND CONVEYING AND AUTHORIZING, DIRECTING AND REQUIRING THE MAYOR OF THE CITY OF AUSTIN TO MAKE A DEED OF CONVEYANCE TO THE AUSTIN DAM AND SUBURBAN RAILWAY COMPANY, ITS SUCCESSORS AND ASSIGNS OF THE PROPERTY OF THE CITY OF AUSTIN, KNOWN AS THE AUSTIN DAM RAILROAD, AND GRANTING TO THE SAID AUSTIN DAM AND SUBURBAN RAILWAY COMPANY, ITS SUCCESSORS AND ASSIGNS THE RIGHT TO OPERATE AND MAINTAIN STREET RAILROADS WITHIN THE CITY OF AUSTIN.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That the City of Austin, in consideration of the sum of forty-three thousand and five hundred dollars (\$43,500.00), by the performance of said contract, hereby sells and conveys unto the said Austin Dam and Suburban Railway Company (a corporation duly incorporated, organized and existing under and by virtue of the laws of the State of Texas, and having its principal office in the City of Austin, Travis County, Texas), all that certain property known as the Austin Dam Railroad situated in the City of Austin, Travis County, Texas, extending along the Boulevard and Cedar Street from the power house at the dam to East Avenue in the City of Austin, including all the rights, franchises, right of way property and privileges conveyed to the said Fort Wayne Electric Company, and contracted to be conveyed to it by the City of Austin in the contract entered into between the said City of Austin and the said Fort

Wayne Electric Company, dated the 22nd day of March, A. D. 1894, and the Mayor of said City of Austin is hereby authorized, directed and required, in the name of the City of Austin, to make, execute, acknowledge and deliver a proper deed of conveyance to the said Austin Dam and Suburban Railway Company conveying said property to it, its successors and assigns.

SEC. 2. That the said Austin Dam and Suburban Railway Company, its successors and assigns, are hereby granted the right for the period of fifty years from the taking effect of this ordinance, to maintain and operate the said Austin Dam Railroad, and to construct, maintain and operate single lines of railroad tracks along and over any of the streets of the City of Austin not now occupied by the tracks of the Austin Rapid Transit Railway Company, and also the right to construct and operate a single track on any street now or hereafter occupied by the said Austin Rapid Transit Railway Company for not more than four blocks, except on Congress Avenue, on which it may lay a single track from Fourth (4th) Street northward to the south side of the capitol enclosure with privilege of having a double line of track on the line of the present Austin Dam Railroad; provided, that the said grantee, its successors and assigns, shall not use steam as a motive power.

SEC. 3. That the said Austin Dam Railroad shall be operated by the said Austin Dam and Suburban Railway Company by electric power only, after the completion of the city's system of water and light works now in course of construction; provided, that the said Austin Dam and Suburban Railway Company shall first have six months written notice that steam is no longer to be used as power.

SEC. 4. That the said Austin Dam and Suburban Railway Company, its successors and assigns, shall have the right to attach cross suspension wires for the support of its trolley wires to the poles of the main electric lines of the electric light system of the City of Austin along the Boulevard and Cedar Street.

SEC. 5. That the said Austin Dam and Suburban Railway Company, its successors and assigns, shall keep and maintain its tracks not more than one inch above or below the grade of the streets, and should the city pave any streets on which said tracks may be, said company shall at its expense pave between its rails and for one foot on the outside thereof, with material and workmanship of the same quality as that used by the city, and keep the same in repair. If said company fails to comply with the conditions of this section, or either of them, on being notified by the city so to do, the work may be done by the city and the reasonable expense thereof shall be paid by said company to the city on the completion of said work.

SEC. 6. That the said Austin Dam and Suburban Railway Company, its successors and assigns, shall within three years from the passage of this ordinance build and put in operation at least one mile of railroad tracks in addition to that already built, and in case the said one mile of railroad is not built and put in operation within three years from the passage of this ordinance, then the said Austin Dam and Suburban Railway Company, its successors and assigns, shall not have any further right to build additional lines of railroad tracks on any of the streets of the said City of Austin not then accupied by it; provided, that the failure to build and operate said additional mile of railroad tracks within said three years shall in no way affect or impair the other rights and franchises granted by this ordinance to the said Austin Dam and Suburban Railway Company, its successors and assigns; and provided further, that said Austin Dam and Suburban Railway Company shall forfeit all rights and franchises herein granted, on all streets upon which cars are not operated within ten years from the taking effect of this ordinance.

SEC. 7. That the said City of Austin shall have the right of free trackage over the said Austin Dam Railroad as now constructed for all material to be used in the construction and repair of the dam, water and light works of the said city; provided, that all such construction and repair traffic shall be carried on in such way as not to interfere with the regular time table of the said Austin Dam and Suburban Railway Company; and provided further, that the said right of free trackage shall not be assigned by the said City of Austin, nor shall such right of free trackage be exercised by any corporation or person other than the said City of Austin.

SEC. 7a. Said railway may run across all railway tracks in the city and over all bridges and culverts built or owned by the city, which the proper city authorities shall determine to be large enough and strong enough to admit of such use, and still accommodate all travel over the same, such railway company shall pay such proportion of the expenses of keeping the bridges and culverts in repair and order as the width of the track may bear to the width of the bridge or culvert.

SEC. 7b. That said Austin Dam and Suburban Railway shall not charge exceeding five (5) cents fare for one continuous passage from any point of boarding the cars to the end of the line of said company.

SEC. 8. That this ordinance shall take effect and be in force from and after its passage.

Passed July 3, 1895.

Approved July 3, 1895.

AN ORDINANCE GRANTING TO THE AUSTIN DAM AND SUBURBAN RAILWAY COMPANY THE RIGHT TO OPERATE ITS RAILROAD BY ELECTRICITY OR STEAM, OR BOTH, UPON CERTAIN CONDITIONS, COVENANTS AND CONSIDERATIONS, UPON CERTAIN STREETS OF THE CITY OF AUSTIN.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That there is hereby granted to the Austin Dam and Suburban Railway Company, its successors and assigns, upon conditions, covenants and considerations hereinafter expressed, the right to use, as motive power, either electricity or steam, or both electricity and steam, in the operation of its railroad upon the streets of the City of Austin, as follows:

Extending along the Boulevard and Cedar or Fourth Street from the terminus of its line near the place where the power house formerly stood at the Austin dam, before the destruction of said dam, to the place where the main line of the Austin Dam and Suburban Railway crosses under the main line of the International & Great Northern Railroad, with the right to maintain for the operation of its railroad the connection now existing between the main line of said Austin Dam and Suburban Railway and the main line of said International & Great Northern Railroad, a short distance west of said crossing, and with the right to form at San Antonio Street a connection with the main line of said International & Great Northern Railroad, and from San Antonio Street to East Avenue, going along and crossing such streets as may be necessary to reach East Avenue, and with the right to operate a continuous line, its railroad from its terminus near the former site of the power house at the Austin dam to East Avenue, including as part of its operated line, so much of the main line of the International & Great Northern Railroad as lies between the connection first hereinbefore mentioned and the connection at San Antonio Street.

SEC. 2. That this ordinance is granted upon condition that said Austin Dam and Suburban Railway Company, its successors and assigns, will indemnify and hold the City of Austin harmless against all claims and demands for damages resulting from the construction and maintenance or operation of said railroad, to either persons or property, and that if the City of Austin shall be sued upon any claim or demand, the said Austin Dam and Suburban Railway Company, its successors and assigns will defend the suit or suits that may be instituted, and will pay all attorney's fees for defending the same, and all court costs that may be adjudged therein against said City of Austin, and will pay off and satisfy all judgments that may be rendered in such suit or suits against said city.

SEC. 3. That in consideration of the rights and privileges granted by this ordinance the Austin Dam and Suburban Railway Company binds itself, its successors and assigns, in case the dam across the Colorado River is reconstructed, upon or near the site formerly occupied by the dam, to furnish adequate facilities for the transportation of freight and passengers over its line of railroad between said dam, when reconstructed, and all parts of its line of railroad, as above defined, extending eastward from said dam to East Avenue in said City of Austin.

SEC. 4. That in further consideration of the rights and privileges granted, said Austin Dam and Suburban Railway Company binds itself, its successors and assigns, to remove from the streets that portion of its track extending from the intersection of Fourth and Brazos Streets; thence in a northerly direction up Brazos Street to Eleventh Street; thence east along Eleventh Street to the alley east of the General Land Office of the State of Texas; thence in a northerly direction up said alley to its intersection of Thirteenth Street; thence in a westerly direction along Thirteenth Street to Brazos Street; thence in a northerly direction up Brazos Street to its intersection with Seventeenth Street; thence in a westerly direction with Seventeenth Street to Congress Avenue; thence in a northerly direction up Congress Avenue to Nineteenth Street; thence in a westerly direction with Nineteenth Street to Wichita Street; thence in a northerly direction with Wichita Street to Twenty-first Street; and to restore said streets after removal of said tracks to good condition for travel to the satisfaction of the Street Committee and City Engineer. And in further consideration of the rights and privileges granted by this ordinance, said Austin Dam and Suburban Railway Company hereby binds itself, its successors and assigns, to remove from the streets that portion of its tracks extending from the place where the main line of said Austin Dam and Suburban Railway crosses under the main line of said International & Great Northern Railroad to San Antonio Street, and place said street in good condition for travel to the satisfaction of the Street Committee and City Engineer.

SEC. 5. Should said Austin Dam and Suburban Railway Company, its successors and assigns, at any time fail, neglect or refuse to comply with any of the terms or provisions of this ordinance, or with any valid police regulations which may hereafter be prescribed by the city governing the operation of said road, all rights, privileges and franchises hereby or previously granted to said company by the city shall lapse and become forfeited.

SEC. 6. That said Austin Dam and Suburban Railway Company, its successors and assigns, shall place and keep in good condition for travel, to the satisfaction of the Street Committee and City Engineer,

that portion occupied by its tracks and one foot more next to each end of its cross-ties, being approximately ten feet of the streets over which it is hereby given the right to operate its cars, and shall place and keep its tracks on said streets in such condition that vehicles can cross said tracks at any point thereon.

SEC. 7. That all ordinances and parts of ordinances in conflict herewith are hereby repealed. •

SEC. 8. That this ordinance shall take effect and be in force only from and after its final passage, and the acceptance in writing of said ordinance to be filed in the office of the City Clerk on or before August 30, 1903, by said company.

Sections 1 to 4, inclusive, passed July 6, 1903.

Approved July 10, 1903.

Sections 5 to 8, inclusive, passed July 20, 1903.

Approved July 22, 1903.

AN ORDINANCE AUTHORIZING THE AUSTIN DAM AND
SUBURBAN RAILWAY COMPANY TO CONSTRUCT, MAIN-
TAIN AND OPERATE CERTAIN SPUR TRACKS CONNECT-
ING WITH ITS MAIN LINE TRACK ON FOURTH STREET
IN THE CITY OF AUSTIN.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That the City of Austin does hereby grant to the Austin Dam and Suburban Railway Company, its successors and assigns, the right, privilege and franchise to construct, maintain and operate spur tracks connecting with its main line track on Fourth Street, in the City of Austin, as follows: On the north side of its said main line track between San Jacinto Street and Neches Street, crossing between these streets Trinity Street; on both the north and south side of its main line track between Congress Avenue and San Jacinto Street, crossing between these streets Brazos Street, extending spur on south of Fourth Street so as to pass in front of or on to Lots 11 and 12 in Block 31; on both the north and south sides of its main line track between Lavaca Street and Congress Avenue, crossing between these streets Colorado Street; on the south side of its main line track between Guadalupe Street and Lavaca Street, all of said tracks being shown on blue print filed on the first day of February, 1904, and now on deposit in the office of the City Clerk of the City of Austin, the same bearing the signature of L. Trice, president of the Austin Dam and Suburban Railway Company, and H. G. Lee, City Engineer of the City of Austin.

SEC. 2. That said Austin Dam and Suburban Railway Company, its

successors and assigns, shall place and keep in good condition for travel to the satisfaction of the Street Committee and City Engineer, that portion occupied by its said spur tracks and one foot more next to each end of its cross-ties, being approximately ten feet, of the streets over which it is hereby given the right to construct, maintain and operate said spur track, and shall keep and place its tracks on said street in such condition that vehicles can cross said tracks at any point thereon; further, that no empty cars be permitted to remain on any of said sidings longer than twenty-four hours.

SEC. 3. That this ordinance shall be in force from and after its passage.

Passed February 1, 1904.

Approved February 3, 1904.

WATTS, SYLVESTER, FRANCHISE FOR GAS WORKS.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That Sylvester Watts, of St. Louis, Missouri, and his associates, assigns, or successors, shall have the right for fifty years from the passage of this ordinance to erect, maintain and operate gas works within the City of Austin and the additions thereto, and the right and privilege during said period of laying, relaying, maintaining and repairing gas pipes within the limits of said city and the additions thereto, and in and along any street, alley or common in said city. The said streets, alleys and commons are to be left in good condition and order and to the satisfaction of the city authorities.

SEC. 2. In consideration of the rights and privileges herein granted, said Watts and his associates, or assigns, or successors, is to furnish to the people of this city a good article of gas of not less than a standard of fifteen candles at a price not to exceed three dollars and fifty cents per one thousand cubic feet.

Passed October 7, 1889.

Approved October 11, 1889.

CAPITOL ICE COMPANY.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That the Capitol Ice Company be and is hereby authorized and empowered to use the premises on the river walk in the City of Austin, Texas, now used and occupied by it as an ice factory under lease from said city of December 9, 1894, for the further purpose of a cannery and general manufacturing business.

SEC. 2. That all parts of the ordinance dated December 9, 1874, limiting the use of said premises by said company to the purposes of an ice factory only be and the same are hereby repealed.

Passed May 4, 1891.

Approved May 6, 1891.

AN ORDINANCE GRANTING TO THE WESTERN UNION TELEGRAPH COMPANY THE RIGHT TO PLACE AND MAINTAIN ITS POLES AND LINES IN THE STREETS, ALLEYS AND PUBLIC WAYS OF THE CITY OF AUSTIN, STATE OF TEXAS, ON THE TERMS AND CONDITIONS HEREIN STATED.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That the Western Union Telegraph Company, its successors and assigns, are authorized to erect and maintain on the streets, alleys and public ways of said city, the poles and fixtures and wires necessary for the purpose of supplying the citizens of said city and the public communication by telegraph, or other improved electrical device, such use to be and continue upon the terms and conditions hereinafter stated.

SEC. 2. The location of the poles and lines now in use is hereby approved, subject to change as may be from time to time ordered by the City Council; and the location of all poles and lines hereafter to be erected, and any change in the location of the poles and lines now in use, or extension thereof, shall be under the direction and control of the Superintendent of Streets of said city.

SEC. 3. Said poles and wires shall be placed and maintained so as not to interfere with travel on said highways, and said company shall hold said City of Austin free and harmless from all damages arising by reason of any abuse of said company.

This grant is made and is to be enjoyed subject to such reasonable regulations and ordinances of a police nature as the said City Council of said City of Austin is authorized and sees proper to at any time adopt, not destructive to the rights herein granted.

SEC. 4. The right of use herein granted shall not be deemed exclusive, and the City Council of said City of Austin reserves the power to grant a like right of way to any other telegraph company; the same, however, not to interfere with the reasonable and proper exercise of the privileges herein granted.

SEC. 5. In consideration whereof said Western Union Telegraph Company shall, and by the acceptance of this ordinance does agree to allow the said City of Austin to attach at any time to the top crossarm of any of said

poles, where practicable, any electric fire alarm and police wires, and said poles are hereby municipal instrumentality for that purpose; provided, however, said attachment shall be so made as to not interfere with said company's use; and said attachment shall be made and maintained under the direction of said company's manager in said City of Austin.

The said company shall and will furnish for the said city the use of its poles for attachment thereto of the fire alarm boxes without charge to said city.

SEC. 6. This ordinance shall take effect on and after its passage and the filing by said company of unconditional acceptance thereof in the office of the City Clerk of said city.

SEC. 7. That whenever said company ceases to operate a telegraph line in the City of Austin, and ceases to use the said poles and lines herein provided for in the operation of its line of telegraph, then said company shall remove its lines and poles from the streets and alleys of said city within sixty days from date that said company so ceases to use and operate said lines.

SEC. 8. All ordinances and parts of ordinances, orders and resolutions upon the subject of telegraph poles, wires, etc., of previous date, in so far as the same relate to the Western Union Telegraph Company, are hereby repealed and annulled.

Passed January 18, 1892.

Approved January 21, 1892.

AN ORDINANCE TO AUTHORIZE THE SOUTHWESTERN TELEGRAPH AND TELEPHONE COMPANY TO CONSTRUCT UNDERGROUND CONDUITS FOR LAYING AND CONDUCTING ITS WIRES THROUGH, ACROSS AND ALONG CERTAIN STREETS AND ALLEYS OF THE CITY OF AUSTIN.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That permission be and is hereby granted to the Southwestern Telegraph and Telephone Company, its successors and assigns, to construct along, through and across the streets and alleys of the City of Austin hereinafter designated conduits for the purpose of laying its cables and telephone wires; to lay and maintain such wires and cables in such conduits; to construct and maintain the necessary manholes and to make house connections of such wires for the purpose of carrying on its business.

SEC. 2. That such underground conduits shall not exceed twenty-six hundred feet in length, and the permission hereby granted shall only

authorize the construction of such conduits in, through and along the portions of streets and alleys of the City of Austin as follows: Beginning on south side of East Sixth Street at the alley between Brazos Street and Congress Avenue; thence west along the south side of East Sixth Street across Congress Avenue and along south side of West Sixth Street to a point between Guadalupe Street and San Antonio Street one hundred feet west of Guadalupe Street; also along the east side of Guadalupe Street beginning on south side of West Sixth Street where it corners with Guadalupe Street, and thence north to the alley between West Sixth Street and West Seventh Street; also along the east side of Congress Avenue from a point one hundred and twenty-five feet north of Sixth Street to south side of Sixth Street; also along the alley between Congress Avenue and Colorado Street from its intersection of West Sixth Street south to a point in said alley between West Fourth and West Fifth Streets in rear of telephone building fronting Congress Avenue owned by said company; also across Congress Avenue from a point in front of said telephone building to a point directly opposite said building on east side of Congress Avenue.

SEC. 3. That all and every such conduit shall be constructed under the supervision of the City Engineer of the City of Austin; that only such excavations will be made on the streets and alleys as may be reasonably necessary in the construction of such conduits; that during the progress of the work such excavations shall be surrounded by such safeguards for the protection of the life, limb and property of passengers through said streets and alleys as may be required by said City Engineer, and that all streets, alleys, sidewalks or pavements which may be excavated, torn up or displaced by said company in constructing such conduits shall be properly and safely replaced by said company at its own expense, and all manholes shall be kept by said company in safe condition, and so maintained as not to interfere with the use of said streets and alleys.

Passed April 17, 1899.

Approved April 19, 1899.

AN ORDINANCE TO AUTHORIZE THE SOUTHWESTERN TELEGRAPH AND TELEPHONE COMPANY TO CONSTRUCT UNDERGROUND CONDUITS FOR LAYING AND CONDUCTING ITS WIRES THROUGH, ACROSS AND ALONG CERTAIN STREETS AND ALLEYS OF THE CITY OF AUSTIN.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That permission be and is hereby granted to the Southwestern Tele-

graph and Telephone Company, its successors and assigns, to construct along, through and across the streets and alleys of the City of Austin hereinafter designated, conduits for the purpose of laying its cables and telephone wires; to lay and maintain such wires and cables in such conduits; to construct and maintain the necessary manholes and to make house connections of such wires for the purpose of carrying on its business.

SEC. 2. That the permission herein granted shall only authorize the construction of such conduits in, through, across and along the streets and alleys of the City of Austin designated as follows: Beginning at the manhole in the conduit of said company heretofore constructed on the south side of West Sixth Street at the intersection of the alley between Congress Avenue and Colorado Street; thence extending in a northerly direction across West Sixth Street, and continuing in a northerly direction in and along the east side of the alley connecting West Sixth and West Seventh Streets and between Congress Avenue and Colorado Streets to a point in said alley two hundred and thirty-eight feet from said manhole.

SEC. 3. That such conduit shall be constructed under the supervision of the City Engineer of the City of Austin; that only such excavations shall be made in the streets and alleys as may be reasonably necessary in the construction of such conduits; that during the progress of the work such excavations shall be surrounded by such safeguards for the protection of the life, limb and property of passengers through said streets and alleys as may be required by said City Engineer; and that all streets, alleys, sidewalks or pavements which may be excavated, torn up or displaced by said company in constructing such conduits shall be properly and safely replaced by said company at its own expense, and all manholes shall be kept by said company in safe condition, and so maintained as not to interfere with the use of said streets and alleys.

Passed August 7, 1899.

Approved August 8, 1899.

AN ORDINANCE TO AUTHORIZE THE SOUTHWESTERN TELEGRAPH AND TELEPHONE COMPANY TO CONSTRUCT UNDERGROUND CONDUITS FOR LAYING AND CONDUCTING ITS WIRES AND CABLES THROUGH, ACROSS AND ALONG CERTAIN OF THE STREETS AND ALLEYS OF THE CITY OF AUSTIN, TO LAY AND MAINTAIN ITS WIRES AND CABLE IN SUCH CONDUITS, AND PRESCRIBING REGULATIONS FOR THE CONSTRUCTION OF SAID WORK.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That permission be and is hereby granted to the Southwestern Telegraph and Telephone Company, its successors and assigns, to construct along, through and across certain streets and alleys of the City of Austin, as per a certain blue print on file with the City Clerk, underground conduits for the purpose of laying its cables and telegraph and telephone wires; to lay and maintain such wires and cables in such conduits; to construct and maintain the necessary manholes, and to make house connections for such wires and cables for the purpose of carrying on the business of such company.

SEC. 2. That during the progress of the work hereby authorized all excavations shall be surrounded by proper safeguards for the protection of life, limb and property of travelers along the streets and alleys on which the work is being executed; and that all streets, alleys, sidewalks or pavements, which may be excavated, torn up or misplaced by said company in constructing such conduits shall be properly replaced, recovered, filled and repaired by said company at its own expense to the satisfaction of the City Engineer and Street Committee of the Council.

SEC. 3. That all manholes shall be left by said company in safe condition and shall be so maintained as not to interfere with the use of said streets and alleys.

SEC. 4. That the route to be followed in the construction of said work shall be that shown on a certain blue print prepared by said company and filed with the City Clerk along with its petition for the franchise herein granted, and that the location of manholes, distributing poles, etc., shall also be in accordance with said blue print drawing. But the particular location where the conduits shall be placed in streets or alleys shall be subject to the approval of the City Engineer.

SEC. 5. That such conduits as may be located on Congress Avenue shall not be nearer than sixteen feet to the curbing.

SEC. 6. That the present overhead wires and poles of said company situated in the streets and alleys of the city shall be taken down and removed from all portions of the streets and alleys in which underground

conduits are constructed, within ninety days after the completion of said conduits in such portions of said streets and alleys.

SEC. 7. That this ordinance shall not be construed as granting an exclusive grant to use any street or alley of the city for any purpose.

Passed March 4, 1901.

I, Jno. O. Johnson, City Clerk of the City of Austin, Texas, do hereby certify that the above and foregoing ordinance was passed by the City Council of said city at a regular meeting of same, held on the 4th day of March, 1901, and that said ordinance was placed in the City Clerk's office immediately after its passage on the said 4th day of March, 1901, and that the Mayor of said city failed to approve or signify his disapproval of same for a longer period than ten days after said ordinance was placed in the City Clerk's office.

JNO. O. JOHNSON,
City Clerk.

AUSTIN, TEXAS, March 15, 1901.

SOUTHWESTERN TELEGRAPH AND TELEPHONE COMPANY.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That the right heretofore given to erect and maintain telephone poles and wires in said city is hereby continued; and the right is hereby granted to the Southwestern Telegraph and Telephone Company, its successors and assigns to erect and maintain on the streets, alleys and public ways of said city poles, fixtures and wires, or either of them, necessary and convenient for the purpose of supplying the citizens of said city and the public communication by telephone or other electrical device. This right of way is granted upon condition and is liable to be forfeited at the instance of the city for breach of the conditions that said company shall not interfere by suit for damages or otherwise with the construction or operation of any other electrical appliances by the city or other persons or corporations to whom the city has granted or may hereafter grant the right of way over the streets and alleys of the city for any injury or inconvenience which the construction or operation of additional electrical appliances may unavoidably cause said telephone company; but this condition and restriction shall not be construed to prevent said company from bringing suit for injuries to its system which might have been avoided by the use of reasonable care, and such appliances for preventing injury or interference of one system of electrical appliances with another as have been found useful and practicable for such purposes.

SEC. 2. The location of the poles and lines now in use shall be subject to such changes as the City Council may hereafter direct.

SEC. 3. Said poles and wires shall be placed and maintained so as not to interfere with travel on said highways, and said company shall hold said city free and harmless from all damages arising by reason of said occupancy. Said poles shall be so placed as not to interfere with the flow of water in any water, sewer, gas pipe, drain or gutter, and in case of bringing to grade or change grade of any street or alley, said poles shall, by said company, be reset so as to conform thereto. And this grant is made, and it is to be enjoyed subject to all such reasonable regulations and ordinances of a public nature as said City Council may be authorized or see proper at any time to adopt, not destructive of the rights herein granted.

SEC. 4. The right of use here given shall not be exclusive, and the Council reserves the power to grant like right of use to others for similar uses.

SEC. 5. In consideration whereof, said Southwestern Telegraph and Telephone Company shall agree to allow the city to attach at any time to any of said poles on the upper arm the city's fire alarm or police wires, and said poles are made a municipal instrumentality for that purpose; provided, said attachments and said city use shall not be so made or permitted as to interfere with said company's use, and said attachment shall be made and maintained under the direction of said company's manager in said city. The said company is to furnish for the city's business and without charge and with exchange service so long as an exchange is maintained hereunder, one telephone at the city hall, also such other telephones for the city's business as the Council may hereafter by a resolution require at twenty-five per cent discount from the regular rates from time to time for business purposes; provided, that for each of said telephones separate contracts shall be previously signed, containing the usual provisions of said contracts or having endorsed thereon the terms of payment herein provided for, or the company will ring any electrical fire gongs that may be erected at any of the fire houses without charge; provided, said gongs are erected and maintained at the city's expense; but the city can have the use of any telephone wire without charge where a gong may be substituted for a telephone.

SEC. 6. This ordinance shall take effect upon the filing by said company of an unconditional acceptance of the terms hereof in the office of the City Clerk.

Passed November 17, 1890.

Approved November 20, 1890.

AN ORDINANCE TO AUTHORIZE THE SOUTHWESTERN TELEGRAPH AND TELEPHONE COMPANY TO CONSTRUCT UNDERGROUND CONDUITS FOR LAYING AND CONDUCTING ITS WIRES FROM THE PRESENT MANHOLE ON THE UNDERGROUND CONSTRUCTION OF SAID COMPANY AT THE CORNER OF CONGRESS AVENUE ONE HUNDRED AND NINETY-TWO (192) FEET EAST, AND FROM SAID POINT ONE HUNDRED (100) FEET NORTH IN AN ALLEY BETWEEN BRAZOS STREET AND CONGRESS AVENUE; ALSO, FROM SAID POINT ONE HUNDRED AND FIFTY (150) FEET SOUTH IN SAME ALLEY.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That permission be and is hereby granted to the Southwestern Telegraph and Telephone Company, its successors and assigns, to construct along, through and across the streets and alleys of the City of Austin the following underground conduit, towit: Beginning at the present manhole of said company, at the corner of Congress Avenue and Fourth Street; thence east one hundred and ninety-two (192) feet on Fourth Street; thence north through an alley between Brazos Street and Congress Avenue one hundred (100) feet; also, thence south in said alley one hundred and fifty (150) feet; and, also, the right is hereby granted to said company to lay, maintain and operate said wires and cables in said conduit and to construct and maintain necessary manholes, and to make such necessary house connections of said wires carried in said conduit as may be proper and useful for the purpose of carrying on its business, and to connect and maintain the wires and cables so placed in said underground conduit with its underground and overhead system of telephone wires, poles and conduits in the City of Austin so connected for the term of twenty-five (25) years from the date of the granting of this ordinance.

SEC. 2. That the underground conduit shall be built, made, constructed, operated and maintained in all respects in full compliance with the said charter of the said City of Austin, and all lawful ordinances passed by the City Council of the said City of Austin governing such matters, and in full and strict compliance with that certain ordinance passed by the City Council of Austin, Texas, April 17, 1899, and approved April 19, 1899, by John D. McCall, Mayor, entitled "An Ordinance to authorize the Southwestern Telegraph & Telephone Company to construct underground conduits by laying and constructing its wires through, across and along certain streets and alleys of the City of Austin."

SEC. 3. Said conduits across Congress Avenue shall be put sufficiently below the surface of the street to go below the proposed storm sewer.

SEC. 4. That this ordinance shall take effect and be in force from and after its passage.

Passed July 10, 1903.

Approved July 11, 1903.

AN ORDINANCE TO AUTHORIZE THE SOUTHWESTERN TELEGRAPH AND TELEPHONE COMPANY TO CONSTRUCT UNDERGROUND CONDUITS FOR LAYING AND CONDUCTING ITS WIRES AND CABLES THROUGH, ACROSS AND ALONG CERTAIN STREETS OF THE CITY OF AUSTIN, TO LAY AND MAINTAIN ITS WIRES AND CABLES IN SUCH CONDUITS, AND PRESCRIBING REGULATIONS FOR THE CONSTRUCTION OF SAID WORK.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That permission be and is hereby granted to the Southwestern Telegraph and Telephone Company, its successors and assigns, to construct along, through and across certain streets of the City of Austin underground conduits for the purpose of laying wires and cables in such conduits; to construct and maintain the necessary manholes, and to make house connections of such wires and cables for the purpose of carrying on the business of such company as follows: From the corner of Sixth and Lavaca Streets to the southwest corner of sixth and San Antonio Streets; from the corner of Sixth and San Antonio Streets to the second pole north of Sixth Street on San Antonio Street on east side of San Antonio Street; one standard two-way manhole to be located at the corner of Sixth and Guadalupe Streets, and one two-way manhole at the southwest corner of Sixth and San Antonio Streets.

SEC. 2. That during the progress of the work hereby authorized all excavations shall be surrounded by proper safeguards for the protection of life, limb and property of travelers along the streets on which the work is being executed; and that all streets, alleys, sidewalks and pavements which may be excavated, torn up, or misplaced by said company in constructing said conduits, shall be properly replaced, recovered, filled and repaired by said company at its own expense to the satisfaction of the City Engineer and Street Committee of the Council.

SEC. 3. That all manholes shall be left by said company in safe condition and shall be so maintained as not to interfere with the use of said streets.

SEC. 4. That the route to be followed in the construction of said work

shall be that shown on the plat prepared by said company and filed with the City Clerk, and the location of the manholes, distributing poles, etc., shall also be in accordance with said plat; but the particular location of the conduits in the streets shall be subject to the approval of the City Engineer.

SEC. 5. That the present overhead wires and poles of said company situated in the streets of the city along the course of the conduits herein provided for shall be taken down and removed within six months after the completion of said conduits.

SEC. 6. That this ordinance shall not be construed as granting exclusive rights to use any street or streets of the City of Austin for any purpose.

Passed June 18, 1906.

Approved June 22, 1906.

AN ORDINANCE GRANTING TO THE POSTAL TELEGRAPH CABLE COMPANY OF TEXAS THE RIGHT TO CONSTRUCT, OPERATE AND MAINTAIN ITS LINES OF TELEGRAPH POLES, WIRES, FIXTURES AND APPURTENANCES UPON, ALONG AND OVER THE STREETS, ALLEYS AND PUBLIC WAYS OF THE CITY OF AUSTIN, TEXAS, AND GRANTING SAME ALL UPON THE TERMS AND CONDITIONS HEREIN STATED.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That the right is hereby granted to the Postal Telegraph Cable Company of Texas, its successors and assigns, to construct, operate and maintain its lines of telegraph poles, wires, fixtures upon and along and over the streets, alleys and public ways of the City of Austin, except Congress Avenue, unless placed underground, subject to all the laws and ordinances now in force regarding the construction and maintenance of such lines of poles and wires.

SEC. 2. That such line of poles and wires shall be so erected and maintained as not to obstruct the travel upon said streets, nor interfere with the flow of water in any pipe, drain, ditch or culvert; and in the event of change of grade, or bringing to grade of any of the streets, alleys or public ways, said poles shall by said company be so changed or set at its own expense as to conform thereto; and said company shall save and hold said city free and harmless from all damage arising from the erection or maintenance of said line of poles and wires: and the acceptance of said company of the terms and provisions of this ordinance shall bind said company to submit to any and all reasonable regu-

lations which may hereafter be imposed by said city, which among other reasonable regulations shall include the right in the City Council to require said company to place its wires underground when the system of overhead wires in the city shall be abolished and prohibited.

SEC. 3. That this grant shall not be exclusive, and the said city reserves the right to grant like rights of the use of the public streets to others for similar uses; provided, that such use shall not prevent or interfere with the proper exercise of the rights and privileges herein granted.

SEC. 4. That the location and erection of said poles and the manner of placing and maintaining the wires thereon shall be under the direction of the Street Committee and the City Engineer, subject to the approval of the City Council.

SEC. 5. The construction and erection of said line of poles and wires in said city shall be commenced within three months from the passage of this ordinance, and shall be completed within six months from that date. Upon failure of said company to comply with these requirements or with any other requirements of this ordinance, all its rights herein shall be forfeited, and said city shall have the right, by ordinance, to declare this contract annulled.

SEC. 6. In consideration whereof the said City of Austin shall have the right to use as much as the upper crossarms of said poles as may be necessary for its fire alarm and police telegraph wires; provided, that the said city's use of same shall not be so made or continued as to in any manner obstruct or interfere with the use of said poles by said telegraph company, and all work of placing wires or fixtures of said city upon said poles shall be done under the direction of the telephone company's manager in said city.

SEC. 7. That this ordinance shall take effect and be in force from and after its passage and approval, and filing by the said telegraph company of its unconditional acceptance of the terms hereof, which acceptance shall be made in writing within ten days after this ordinance shall have been approved.

Passed January 17, 1898.

Approved January 18, 1898.

AN ORDINANCE GRANTING TO J. B. EARL AND J. E. BOYNTON, THEIR ASSOCIATES AND ASSIGNS, THE RIGHT AND PRIVILEGE TO BUILD, MAINTAIN AND OPERATE A SYSTEM OF TELEPHONES AND TELEPHONE EXCHANGE IN THE CITY OF AUSTIN, AND GRANTING THE RIGHT OF WAY AND OTHER PRIVILEGES ON THE STREETS AND SQUARES, PUBLIC GROUNDS AND ALLEYS OF THE CITY OF AUSTIN.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That J. B. Earl and J. E. Boynton, their associates and assigns, are hereby granted the right and privilege to build, erect and maintain for a period of thirty years from the date of the passage of this ordinance, a system of telephones and a telephone exchange in the City of Austin, subject to the rights, conditions and terms hereinafter expressed, for the purpose of furnishing and supplying to the residents of the said city and the public at large service and communication by telephone, and to that end to erect and maintain poles, stubs and guys, and to stretch wire in, over and upon the streets, squares, public grounds and alleys of the City of Austin, and to construct under said streets, where desired or required, conduits for conveying wires and cables.

SEC. 2. The location, shape and dimensions of such poles, stubs and guys, and the character and location of such conduits, shall be subject to the direction of the City Engineer and City Electrician, such control and direction to be reasonable and not to affect the rights herein granted, such directions shall be given on application, and to be subject to control of the City Council.

SEC. 3. Said poles, stubs, guys and wires shall be so placed and maintained as not to interfere with travel on said streets, squares, public grounds and alleys; and all said poles and stubs shall be so placed as not to interfere with the flow of water in any sewer, drain or gutter, or with the full use of any gas pipes; and in case of the city's making or changing the grade in any street or alley all poles necessary shall be reset by the grantees.

SEC. 4. This grant is subject to all existing police regulations and also to all reasonable regulations adopted in the future by the City Council of the City of Austin.

SEC. 5. The grant herein contained is not exclusive, and said City Council reserves the power to grant like rights of use to others, not to interfere, however, with the proper exercise of the rights and privileges herein granted.

SEC. 6. The grant and privileges herein contained are upon the considerations and conditions following:

(1) The grantees shall, within sixty days of the date of the passage of this ordinance, file with the City Clerk their written acceptance of the same.

(2) The grantees, their associates and assigns shall with reasonable dispatch construct said telephone exchange; and the construction of same shall be begun within six months of the adoption of this ordinance on the acceptance of its conditions, and said telephone exchange shall begin operation not later than fifteen months after the acceptance of this ordinance.

(3) The grantees, their associates and assigns, shall never charge for the rental of the telephones in such exchange exceeding three dollars (\$3.00) and two dollars (\$2.00) per month for business and residence telephones, respectively.

(4) Said telephone exchange shall be constructed, maintained and operated, as far as possible, by labor employed in the City of Austin or Travis County, preference being given in all instances first to the city, then to said county in the selection of employees.

(5) The City of Austin, at all times during the life of this franchise, shall have the right to use space necessary on the poles and crossarms and in the conduits belonging to the grantees in said exchange for the location of police and fire alarm wires.

(6) At all times during the life of this franchise the grantees, their associates and assigns, shall furnish to the City of Austin, without charge, the use of fifteen telephone instruments, connected with the lines of said exchange, and shall maintain and operate the same, the location of said instruments to be determined by the City Council of said city.

(7) Within sixty days after the passage of this ordinance and at or prior to the time the grantees shall file their acceptance hereinbefore provided for they shall execute a bond to be approved by the Mayor of said city in the sum of ten thousand dollars (\$10,000.00) conditioned to construct said plant as herein provided for and to protect the City of Austin against all damages and causes of action by reason of the construction or maintenance of said telephone exchange, and for the restoration of all streets to their former conditions and uses.

(8) That said telephone exchange shall be maintained and operated in good condition during the life of this contract.

(9) That the franchise herein granted shall never be sold or transferred to any person, persons or corporations now owning, operating, or in any manner interested in a telephone exchange in the City of Austin, or who at the time may be interested in any competitive exchange in said city, or any person, persons or company who may own,

control or hold any stock or shares in any telephone company now operating or who may hereafter operate a telephone company in said City of Austin.

(10) That all wires located on Congress Avenue between First and Eleventh Streets and on Sixth Street between East and West Avenues shall be conveyed in underground conduits, and such other portions of said exchange as the City Council may from time to time require shall be put underground upon twelve months' notice.

Passed December 4, 1900.

Approved December 5, 1900.

AN ORDINANCE AUTHORIZING THE MAYOR TO LEASE THE
CITY MILL PROPERTY TO THE LONE STAR ICE COM-
PANY FOR A PERIOD OF TWENTY-FIVE YEARS.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That the Mayor be and he is hereby authorized to lease to the Lone Star Ice Company, for a period of twenty-five years, the city mill property situated on the River Walk between Colorado and Lavaca Streets, immediately south of Block No. 42 in the City of Austin; provided, that said Lone Star Ice Company shall be required to use said property for an ice manufactory, and for no other purpose not connected with their business, and for the use of said property said Lone Star Ice Company shall pay to the City of Austin an annual rent of two hundred dollars, payable in quarterly installments in advance; and provided further, that said lessee shall not have the right to assign said lease or sublet any part of said property without the consent of the Council.

SEC. 2. This ordinance shall take effect and be in force from and after its passage.

Passed November 9, 1888.

Approved November 10, 1888.

AN ORDINANCE GRANTING TO THE LONE STAR ICE COMPANY, THEIR ASSIGNS AND SUCCESSORS, THE RIGHT TO BUILD AND THE PRIVILEGE TO MAINTAIN AND OPERATE, FOR A PERIOD OF TWENTY-FIVE YEARS, A SINGLE TRACK OF RAILROAD TRACK CONNECTING WITH THE TRACK OF THE INTERNATIONAL & GREAT NORTHERN RAILROAD COMPANY ON WEST THIRD STREET BETWEEN COLORADO AND LAVACA STREETS, ALONG WEST THIRD STREET TO COLORADO STREET, AND ON AND ALONG COLORADO STREET TO AND ACROSS WEST FIRST STREET TO RIVER WALK IN THE CITY OF AUSTIN.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That the right and privilege is hereby granted and given to the Lone Star Ice Company, their assigns and successors to build, own, operate and maintain, for the period of twenty-five years, a spur of railroad track connecting with and beginning on the line of the International & Great Northern Railroad Company on West Third Street, between Colorado and Lavaca Streets, extending east along West Third Street to Colorado Street; thence south on Colorado Street to and across West Second Street, and thence across West First Street to the River Walk in the City of Austin.

SEC. 2. Said railroad track shall be laid and constructed under the supervision of the City Engineer and Street Committee, and shall be used by the grantees herein, their successors and assigns, for the purpose only of conveying freight to and from their respective places of business.

SEC. 3. Said track shall not be used as a switch, except for the purposes hereinbefore stated.

SEC. 4. This ordinance shall take effect and be in force from and after its passage.

Passed September 7, 1900.

Approved September 10, 1900.

AN ORDINANCE GRANTING TO THE LONE STAR ICE COMPANY, ITS SUCCESSORS AND ASSIGNS, AND THE AUSTIN GAS COMPANY, ITS SUCCESSORS AND ASSIGNS, THE RIGHT TO BUILD AND THE PRIVILEGE TO MAINTAIN FOR A PERIOD OF TWENTY-FIVE YEARS FROM THE 23RD DAY OF MARCH, 1903, A SPUR TRACK PARALLEL TO AND ON THE EAST SIDE OF THEIR TRACK ON COLORADO STREET, CONNECTING WITH SAME AT A POINT BETWEEN WEST FIRST AND WEST SECOND STREETS AND RUNNING SOUTH TO AND ACROSS WEST FIRST STREET IN THE CITY OF AUSTIN INTO THEIR PREMISES.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That the right and privilege is hereby given and granted to the said Lone Star Ice Company, its successors and assigns, and the Austin Gas Company, its successors and assigns, to build, own and operate jointly for a period of twenty-five years from the 23rd day of March, 1903, a spur track parallel to and on the east side of the track of said ice company on Colorado Street, connecting with same at a point between West First and West Second Streets, and running south to and across West First Street into the premises of said ice company.

SEC. 2. Said railroad track shall be laid and constructed under the supervision of the City Engineer and Street Committee and shall be used by the grantees herein, their successors and assigns, for the purpose only of conveying freight to and from their place of business, provided said parties shall put Colorado Street adjoining said track in good condition to the satisfaction of the City Engineer and Street Committee.

SEC. 3. This ordinance shall take effect and be in force from and after its passage.

Passed March 16, 1903.

Approved March 18, 1903.

AN ORDINANCE ENTITLED AN ORDINANCE GRANTING TO THE LONE STAR ICE COMPANY A FRANCHISE TO BUILD A SPUR TRACK OF RAILROAD ACROSS COLORADO STREET BETWEEN SECOND AND THIRD STREETS IN THE CITY OF AUSTIN.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That the Lone Star Ice Company of Austin, Texas, be and is hereby granted a franchise to build a spur track of railroad as follows: Commencing at a point about midway east and west from Colorado Street

and the rock house adjoining Walter Tips' warehouse, and north and south between the main track of the International & Great Northern Railroad Company on Third Street, and the coal bins of the Lone Star Ice Company; thence running in a southeasterly direction across Colorado Street and into and upon Lot 9 in Block 19, to the alley between Colorado Street and Congress Avenue.

SEC. 2. That all work so done under the terms of this ordinance shall be done under the direction of and in compliance with the requirements of the Street Committee and City Engineer.

SEC. 3. That by the acceptance of this franchise the Lone Star Ice Company agrees to indemnify the City of Austin against any and all claim or claims which may be made against it by any person or persons whomsoever arising out of the construction of said spur track; and shall place under said track where gutters are crossed sewer pipes of such size as may be required, and shall keep same open and free from obstructions at all times; and shall keep and maintain said track in proper condition.

SEC. 4. That this ordinance shall be in force from and after its passage.

Passed October 3, 1904.

Approved October 4, 1904.

AN ORDINANCE GRANTING THE UNITED STATES GOVERNMENT, THE AUTHORITIES OF THE STATE OF TEXAS, OF THE COUNTY OF TRAVIS, AND SUCH CITIZENS OF THE CITY OF AUSTIN AS MAY DESIRE, TO LAY AN UNDERGROUND SEWER IN THE CITY OF AUSTIN.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That the United States Government, the authorities of the State of Texas, of the County of Travis, and such citizens of the City of Austin as may desire so to do, are hereby granted permission and authority to lay and construct an underground sewer and maintain connections therewith, from the United States court house and postoffice building, from the capitol buildings and grounds of the State of Texas, from the court house and jail of Travis County, being situated in said City of Austin, and from the residences and places of business of such citizens of the City of Austin as may avail themselves of the privileges herein granted, to the Colorado River, between the mouth of Waller Creek and the foot of San Jacinto Street, discharging in said river, about mid-stream, and at least twelve inches below low water level thereof; provided, that said connections shall not at any time exceed the capacity of said sewer, which capacity is hereby fixed in minimum at twelve inches

throughout its entire length; that no connecting pipes shall be more than one-third the capacity of the main sewer; that none of said connections shall be made at right angles with said sewer, that all connections leaving buildings shall be of cast iron, and that said sewer shall be constructed of good cast iron or glazed earthen pipes, properly laid and jointed, with that portion emptying into the river of cast iron, well and securely anchored at least twelve inches below low water.

SEC. 2. That said government, authorities and citizens shall at all times keep their respective portions of said sewer and connections in proper repair, and that whenever, in the opinion of the Board of Health of the City of Austin, said sewer and connections, or any part thereof, is or is likely to become detrimental to the health of the citizens of said city, it shall be the duty of said government, authorities and citizens to remove and abate the same within ten days after being notified by the Mayor of the City of Austin of the decision of said Board of Health; provided, that the City of Austin reserves for itself the right, should said parties fail or refuse or abate or remove said sewer within time herein specified, to have the same abated or removed at the expense of said government, authorities and citizens.

SEC. 3. That said sewer and connections shall be laid and constructed under the direction and supervision of the Board of Health of the City of Austin, and shall in all things thereto appertaining, conform or be conformed to the opinion and requirements of said Board of Health, as well as to all existing and future sanitary ordinances of the City of Austin, and to such sewer grades as may hereafter be established by said city without cost to said City of Austin.

SEC. 4. That the City of Austin hereby reserves for itself and its citizens the right to construct and maintain free connections with said sewer, as well as the right to declare said sewer public property, and to assume charge and control, without compensation to the parties constructing the same, of said sewer as such, whenever the City Council of the City of Austin may so elect or determine; provided, however, in such event the City of Austin guarantees to said government, authorities and citizens all the privileges of said sewer free of cost, except such as may be required to keep their respective connections therewith in good repair.

SEC. 5. That in constructing and laying said sewer proper means for making connections therewith shall be laid wherever said sewer may cross any street or alley, and all streets and alleys so crossed by said sewer and connections shall be left in as good and safe condition after, as before said sewer was laid; and that this ordinance be in force from and after its passage.

Passed December 29, 1880.

Approved December 29, 1880.

AN ORDINANCE GRANTING AUTHORITY TO THE UNITED STATES TO LAY A SEWER FROM THE UNITED STATES COURT HOUSE AND POSTOFFICE TO THE COLORADO RIVER.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That permission is hereby granted to the United States to lay a sewer of glazed earthenware pipe from the court house and postoffice to the Colorado River at the foot of Congress Avenue.

SEC. 2. That authority is hereby granted to the citizens of Austin to connect with said sewer, upon such terms as may be agreed upon between them and the United States.

SEC. 3. That said sewer shall at all times be subject to such regulations of a sanitary nature as may be adopted by the City Council on the recommendation of the Board of Health.

SEC. 4. That this ordinance be in force from and after its passage.
Passed April 8, 1881.

Approved April 12, 1881.

AN ORDINANCE GRANTING TO W. B. BRUSH AND HIS ASSOCIATES, ASSIGNS OR SUCCESSORS THE RIGHT TO ERECT, OPERATE AND MAINTAIN A SYSTEM OF UNDERGROUND SEWERAGE IN THE CITY OF AUSTIN AND ADDITIONS THERETO.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That W. B. Brush, of Austin, Texas, his associates, assigns or successors, shall have the right to erect, operate and maintain a system of underground sewerage within the limits of the City of Austin and the additions thereto, and shall have the right and privilege to lay their sewer pipes in and along any street, lane, alley or common in said city; provided, the same shall be left in as good condition as before laying said pipes.

SEC. 2. That the main sewer east of the Avenue shall be in the first alley east of said Avenue, and shall begin at the county court house, or north of that point, and shall run down said alley to and into the Colorado River.

SEC. 3. That all the main sewers and their branches shall be constructed out of good, glazed earthen pipes.

SEC. 4. The main sewer shall empty into the Colorado River about midstream, and at least twelve inches below the surface of the water at low water mark.

SEC. 5. That all the main pipes shall be at least twenty inches in diameter, and the branches to said main sewer shall be of a size determined upon and prescribed by the City Engineer, and all main sewers and branches thereof shall be constructed under the supervision of the City Engineer and Street Committee.

SEC. 6. Said system of sewerage shall at all times be kept in a good state of repair and in condition to fulfill the object for which it is constructed, by W. B. Brush, his associates, assigns or successors.

SEC. 7. The City of Austin shall have the right to connect all of its public buildings with and use any and all of the sewerage pipes for said public buildings in the city without any charge whatever.

SEC. 8. Any person desiring to connect his premises or property with the main sewer or its branches, or to use the said main sewer or its branches, shall have the right to do so upon the following conditions: The person, firm or corporation desiring to connect with the said sewer shall pay for the pipes and expenses of laying the same, and shall pay to the owners of said sewer the sum that may be agreed upon between them, but in no case shall the sum charged be more than two hundred and fifty dollars (\$250.00) for any one building, except hotels and livery stables, and in these cases the price shall not exceed five hundred dollars (\$500.00), and the right to use said sewer once acquired shall continue forever.

SEC. 9. Work on the main sewer shall begin within twelve months from the passage of this ordinance, and the east main sewer shall be completed within twenty-four months thereafter.

SEC. 10. Should the City of Austin desire to purchase the said system of sewerage, she shall have the right to do so at the expiration of five years by paying the owners thereof a reasonable price therefor. In case of disagreement on the price of said sewerage, the same to be arranged by arbitration, the city to select a party, Brush and his associates or assigns a party, and in case they fail to agree, then the parties selected are to select a third party, and their agreement to be final.

SEC. 11. The rights and privileges herein granted shall extend and be in force for the period of ninety-nine years.

SEC. 12. That this ordinance shall take effect and be in force from and after its passage.

Passed July 6, 1882.

Approved July 7, 1882.

AN ORDINANCE GRANTING TO THE STATE OF TEXAS THE
RIGHT TO LAY A SEWER WITHIN THE CITY.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That the State of Texas shall have the right to erect, operate and maintain a system of underground sewerage within the limits of the City of Austin, and the additions thereto, and in and along any street, lane, alley or common in said city, from any of the public buildings of the State, to Waller Creek; thence down the bed of said creek to the Colorado River.

SEC. 2. Said sewer shall be constructed of good, glazed earthenware and the main sewer shall be at least fifteen inches in diameter, and shall be laid under the superintendence of the City Engineer of the City of Austin; and said sewer shall be laid at least four feet beneath the surface of the earth, after it reaches the bed of Waller Creek, and shall discharge about midstream of the Colorado River, and at least four inches below the surface of the water at low water mark.

SEC. 3. The City of Austin shall have the authority and privilege of connecting any of the public buildings with the main sewer, or its branches, free of charge. That the citizens residing adjacent to the main sewer or its branches shall be permitted to connect with said sewer, or branches, under such restrictions as the State may prescribe.

SEC. 4. The State shall at all times keep the said main sewer and its branches in a good condition, and should said sewer or branches ever become so out of repair as to fail to perform their intended purpose, or shall become a nuisance, then, in either case, the City of Austin reserves the right, authority and power to declare the rights herein granted to be at an end, and shall have power and authority to cancel the right and privileges herein granted, and to take up said sewer.

Passed August 7, 1882.

Approved August 8, 1882.

AN ORDINANCE GRANTING THE RIGHT OF WAY TO THE
STATE OF TEXAS TO CONSTRUCT A SEWER, ETC.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That the right of way is hereby granted to the State of Texas for the construction of a sewer from the Governor's Mansion, the Temporary Capitol and the General Land Office, through and across, in and along any street, lane, alley or common in the city, to the Colorado River or to the State sewer now in course of construction.

SEC. 2. That the City Council, through the Street Committee and

the City Engineer, shall have equal supervision with the State authorities in determining the dimensions of the sewer, the quality of the material used, and the workmanship of construction.

SEC. 3. It is hereby understood that this grant of a right of way shall be subject to the sanitary regulations that are now or may hereafter be enforced by the City Council or the city Board of Health.

Passed July 7, 1883.

Approved July 9, 1883.

AN ORDINANCE GRANTING TO THE LEWIS MERCER CONSTRUCTION COMPANY, THEIR ASSOCIATES, SUCCESSORS AND ASSIGNS, THE RIGHT TO CONSTRUCT AND MAINTAIN SANITARY UNDERGROUND SEWERS UNDER THE STREETS AND ALLEYS OF THE CITY OF AUSTIN.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That the right is hereby granted to the Lewis Mercer Construction Company, a corporation duly incorporated under the laws of the State of New Jersey, to construct, maintain and operate for the period of fifty years a system of sanitary sewers under the streets and alleys of the City of Austin, subject to the right of the City Council of the City of Austin to determine as to the side of each street and alley that such sewers shall be laid under and subject to the conditions hereinafter provided.

And the Lewis Mercer Construction Company, their associates, successors and assigns, shall have the privilege in accordance with the terms of this ordinance of using all of the streets and alleys within the corporation limits of said city of Austin as they now exist or may hereinafter exist by extension for the purpose of laying pipes, conduits of brick sewers, manholes, catch basins, etc., as may be necessary to provide an adequate system of sanitary sewerage to the City of Austin, and for making repairs or extensions to such system during the period in which this ordinance may be in effect, but the City Council shall determine under what portions of such streets and alleys said sewers may be laid.

SEC. 2. The said Lewis Mercer Construction Company, their associates, successors and assigns shall exercise due care and diligence in the use of the streets, alleys and other public places, and shall cause no unnecessary obstruction to public travel over or upon the same or any injury or unnecessary interference with any pipes either of gas or water which may be lawfully located beneath the surface thereof when such sewers are laid, and the said Lewis Mercer Construction Company

shall take every reasonable precaution against accident and danger to persons or property in the exercise of the rights and privileges hereby granted, and shall cause all excavations to be properly lighted and guarded at night and after the completion of the purposes for which said streets and alleys may be used they shall be restored to their former condition as near as may be without unnecessary delay.

The said Lewis Mercer Construction Company, their associates, successors and assigns, hereby agree to hold the City of Austin harmless from any liability which may result to it by reason of any violation of this section, or by reason of any failure to maintain said sewers in proper repair.

SEC. 3. The general plan of the sewerage system shall be as follows: Sewers shall be of the best quality of salt-glazed terra cotta pipe, truly cylindrical and laid upon a true gradient, with joints laid tight with first-class cement mortar, or they shall be made of first-class hard-burned brick, laid in first-class cement mortar. Manholes shall be placed over the sewers about five hundred feet apart and covered with approved cast iron covers strong enough to carry the greatest and heaviest traffic.

Sewer to be laid at such depth from the surface of the streets as to give a fall of not less than three inches in ten feet from adjacent buildings.

No sewer pipe shall be less than six inches in diameter, and all sewers shall be large enough to provide for the easy flow of all sewerage.

SEC. 4. No connection shall be made to the sewer system without a permit from the Lewis Mercer Construction Company, their associates, successors and assigns, and all connection shall be made by them or under their supervision, and all charges for such service shall be equal and uniform.

SEC. 5. The said Lewis Mercer Construction Company, their associates, successors and assigns, shall file with the City of Austin a copy of the plan exhibiting the location of sewers, manholes, inspection holes, flush tanks and disinfecting tanks, which were approved and accepted by the City Council at their special meeting of June 22, 1892. And the same shall constitute the system hereby authorized, subject to the right of the City Council to prescribe as what parts of the streets and alleys said sewers may be laid under.

To this system extensions may be made either by the order of the City of Austin or at the option of the Lewis Mercer Construction Company, their associates, successors and assigns, subject to the approval by the City Council of the plans and specifications of such extensions as may not be included in the original plans and specifications; provided, however, that the said Lewis Mercer Construction Company, their asso-

ciates, successors and assigns, shall not be required to extend the system to a part that is not at the time sufficiently built up to return a reasonable revenue. And the said Lewis Mercer Construction Company, their associates, successors or assigns, shall have reasonable time within which to make all reasonable extensions required by the City of Austin.

SEC. 6. The City Council shall make and pass such ordinances with adequate penalties as may be necessary for the protection and proper use of the sewers or their necessary connections, catch basins, manholes and other appurtenances; also such ordinances requiring the fulfillment of the obligations of this ordinance as will insure the prompt compliance of all parties concerned.

SEC. 7. The said Lewis Mercer Construction Company, their associates, successors or assigns, may procure the organization of a sewer works company or corporation under the laws of this State, and may assign to it all the rights and privileges acquired by this ordinance.

SEC. 8. The construction of said sewer system shall be commenced within three months of the acceptance of plans and shall be completed within one year thereafter; provided, however, that if the time as then specified be extended by floods, act of God or public enemy, or for legal proceedings for the maintenance or defense of their legal rights, or in the acquisition of property, or rights of way, or by reason of any other causes whatever beyond their control, such time shall form no part of the time specified in this ordinance for the performance of any acts required by the terms hereof to be done by them.

SEC. 9. During the construction of said sewers the City Engineer shall from time to time inspect the work done and material used, and should any departure from the accepted plans and specifications occur, he shall at once call the attention of the Lewis Mercer Construction Company, or their legal representatives, to the fact, and the said Lewis Mercer Construction Company, or their legal representatives, shall cause the work to be corrected in accordance with said plans and specifications, and, failing to do so, the City of Austin shall have the right to stop the construction of such sewers until such specifications shall have been conformed with; upon the completion of the system, the City Engineer shall officially notify the Council that the work done and material furnished is in conformity with the plans and specifications adopted and accepted by the said City Council, whereupon they shall pass an ordinance reciting the fact and accepting the said system, and all of the rights, privileges and obligations of this ordinance shall henceforth be in full force and effect.

SEC. 10. That all persons or property holders connecting their premises with the above sewer system shall have the privilege of furnishing

all service pipes, material and labor putting same in position, except actual contact with the main sewer or its branches; provided, such persons or property holders desire to exercise this privilege.

SEC. 11. The City of Austin shall have the right to connect any of its public buildings with said sewer free of charge for sewerage.

SEC. 12. That this ordinance take effect upon its approval by the Mayor and acceptance by said Lewis Mercer Construction Company, to be evidenced by a written acceptance signed by the president of said company and attested by the proper officer and sealed by its corporate seal, accompanied by a duly certified copy of a resolution of the board of directors of said corporation authorizing the acceptance of this ordinance, which acceptance and copy of such resolution shall be filed with the City Clerk of Austin within sixty days from the approval of this ordinance, or this ordinance shall not go into effect.

Passed June 25, 1892.

Approved June 29, 1892.

AN ORDINANCE GRANTING AN EXTENSION OF TIME TO
THE LEWIS MERCER CONSTRUCTION COMPANY WITHIN
WHICH TO COMPLETE THE SYSTEM OF UNDERGROUND
SEWERS NOW BEING LAID BY IT IN THE CITY OF
AUSTIN.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That there is hereby granted to the Lewis Mercer Construction Company, its successors and assigns, an extension of six months within which to complete the system of underground sewers now being constructed by it under and by authority of an ordinance passed by the City Council of the City of Austin on June 25, 1892, and approved June 29, 1892, entitled "An Ordinance granting to the Lewis Mercer Construction Company, their associates, successors and assigns, the right to construct and maintain sanitary underground sewers under the streets and alleys of the City of Austin."

SEC. 2. The extension hereby granted shall not be enjoyed unless the said company shall commence work on said sewers within thirty days from the approval of this ordinance and complete said system of sewers according to the provisions and requirements of the ordinance hereinbefore referred to within six months from the approval of this ordinance.

SEC. 3. This ordinance shall not take effect until its acceptance in writing by the said Lewis Mercer Construction Company.

SEC. 4. Should the said Lewis Mercer Construction Company fail to complete said system of sewers in accordance with the requirements of

this ordinance, then all franchises and privileges heretofore granted to it by the City of Austin shall be held to have been abandoned and forfeited; provided, such failure is not caused by the act of God, or the public enemy; provided, in consideration of the extension of the franchise hereby extended the City of Austin hereby reserves the right to fix a maximum rate of charges to be made by said Lewis Mercer Construction Company, its successors or assigns; provided, that all maximum rates fixed by the City Council shall be reasonable.

Passed October 2, 1893.

Approved October 5, 1893.

A RESOLUTION GRANTING TO THE AUSTIN OIL MANUFACTURING COMPANY THE RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE A RAILROAD TRACK UPON AND ACROSS CERTAIN STREETS IN THE CITY OF AUSTIN.

SECTION 1. *Be it resolved by the City Council of the City of Austin:* That the Austin Oil Manufacturing Company shall have the right to construct, maintain and operate a single standard gauge railroad track upon and across the following named streets in the City of Austin for a period of fifty years, subject to the terms and conditions hereinafter stated.

(1) Beginning in East Fifth Street north of Outlot No. 6, Division O; thence in a southerly direction to and across the street which divided Outlots Nos. 6 and 7, in Division O, to the west line of Outlot No. 7 in said division.

(2) Beginning on the south line of East Fifth Street at a point about four hundred and fifty feet eastwardly from the said street, which is between Outlots Nos. 6 and 7, in Division O; thence in a northeasterly direction, a distance of about ninety feet.

SEC. 2. In the construction of said railroad track the said Austin Oil Manufacturing Company, or its assigns, shall conform to the grade of the streets, as given by the City Engineer, and should the city establish a new grade and actually bring the street, other than that occupied by said company, to conform to such grade, said company shall regrade its road to conform to the new grade of the street.

The rails of said road shall be laid and kept not more than one inch above the grade of the street. All damage done streets in constructing said track shall be repaired by said company at its own expense.

Adopted April 8, 1893.

Approved April 10, 1893.

AN ORDINANCE TO PROVIDE FOR THE PURCHASE OF THE WATER, LIGHT AND POWER PLANT OF THE AUSTIN WATER, LIGHT AND POWER COMPANY AND OF THE CITY WATER COMPANY, IN THE CITY OF AUSTIN, AND TO PROVIDE FOR THE PAYMENT OF THE PURCHASE PRICE THEREOF, AND TO PLEDGE A PORTION OF THE GENERAL REVENUE OF THE CITY TO SECURE THE PAYMENT THEREOF.

WHEREAS, (1) It is the purpose of the City of Austin to purchase the water, light and power plant of the Austin Water, Light and Power Company;

(2) The City of Austin is indebted to Joseph Nalle, receiver of the Austin Water, Light and Power Company, as follows:

Upon a judgment entered in the Circuit Court of the United States for the Western District of Texas on May 20, 1899, in Cause No. 2292, Law, in the sum of \$47,572.76;

Upon a judgment entered in said court on May 24, 1901, in Cause No. 2325, Law, in the sum of \$27,716.15.

(3) The said Joseph Nalle, receiver, as aforesaid, claims that there is due to him for hydrant rentals under the terms of a contract entered into between the City of Austin and the City Water Company on the 13th day of April, 1882, for water furnished between the 1st day of January, 1901, and the 1st day of October, 1901, the sum of \$9075.00 and interest, and for water furnished between the 1st day of October and the 1st day of July, 1902, the sum of \$9075.00;

(4) The City of Austin has contested the payment of the judgments aforesaid, and the claim for hydrant rentals from January 1, 1902;

(5) A preliminary agreement looking to the sale of the plant aforesaid and of the purchase of the same by the City of Austin upon the terms hereinafter set forth has been entered into between the representatives of said City of Austin, on one part, and J. W. Hamer, representing the bondholders and stockholders of the City Water Company and of the Austin Water, Light and Power Company, of the other part, said preliminary agreement taking the place of an agreement heretofore entered into between said Hamer and representatives of said city and involved in the cause of John D. McCall vs. The City of Austin et al., and this agreement being intended to comply and conform to the decision of the Supreme Court of the State of Texas upon appeal of said cause; therefore,

Be it ordained by the City Council of the City of Austin: (1) That the City of Austin hereby contracts for the purchase of the water, light

and power plant of the Austin Water, Light and Power Company, formerly the property of the City Water Company, now being operated in the City of Austin by Joseph Nalle, as receiver in the case of Huey et al. vs. the City Water Company and the Austin Water, Light and Power Company, including all the real and personal property of said companies, except bills, accounts, judgments and claims receivable, and except the office furniture, fixtures and books of such company, but including all maps and plans of said company.

(2) The said City of Austin, in consideration of the conveyance and delivery, as hereinafter specified, of the plant aforesaid, promises and agrees to pay to J. W. Hamer, trustee of the bondholders and stockholders aforesaid, and to his assigns and successors in trust, current money of the United States as follows:

First.—The sum of one hundred and seventy-five thousand dollars (\$175,000.00).

Second.—The amount of the judgments aforesaid, being \$75,288.91.

Third.—The amount of the contested claim of Joseph Nalle, receiver, for hydrant rentals from January 1, 1901, to October 1, 1901, to wit, \$9542.34.

Fourth.—A sum equal to the total amount of all city taxes, and penalties, costs and interest on taxes due from either or both of the corporations aforesaid, or from their receiver, to and including the taxes for 1902, in case it should be held that there are any unsettled taxes on said plant, the City Attorney being hereby authorized and instructed to institute, as soon as practicable, in the United States Circuit Court for the Western District of Texas, sitting at Austin, a suit for said taxes (this course being deemed best because of the fact that several different funds of said city would be interested in said taxes, whereas the money to be paid by the city on this contract is to come out of the general fund alone).

Fifth.—Interest as follows:

(a) On \$175,000 of said purchase price from October 1, 1901, to the passage of this ordinance at 3 per cent per annum.

(b) On \$84,831.25 of said \$175,000.00 at the rate of 6 per cent per annum from date of the passage of this ordinance until paid.

(c) On the remainder of the purchase price (as defined in this and the succeeding paragraph) at the rate of 3 per cent per annum from the date of the passage of this ordinance until paid.

(d) Interest to be calculated on amounts unpaid.

(3) That the City of Austin is to make payments on the purchase price (which purchase price is the aggregate of items in paragraph (2) next above, and includes the judgments and claims for hydrant rentals

therein recited and interest as specified in subdivision (a) from October 1, 1901, to this time), of said plant as follows:

First.—There is to be a payment each year of \$22,500.00; this amount may be increased by the city at its pleasure.

Second.—Of said annual payment of \$22,500.00, so much as may be required therefor shall be used in the payment of the interest as hereinbefore provided, this to include for the first annual payment the interest on said \$175,000.00 from October 1, 1901, to date.

Third.—Of said annual payment of \$22,500.00, an amount equal to 2 per cent of the entire amount of the purchase price of the said plant shall be appropriated as a sinking fund for the discharge of said price, and shall be utilized in and applied to the liquidation and discharge of said principal obligation.

Fourth.—Any balance of said annual payment of \$22,500.00 over and above the interest paid and the sinking fund as aforesaid shall be applied primarily to the payment of said part of said principal which draws interest at the rate of 6 per cent per annum; after the discharge of that part of the principal sum drawing 6 per cent interest such balance shall be applied to the payment of the remainder of the purchase price.

(4) That of the annual tax for the year 1902 and for each succeeding year until the contract is fulfilled and discharged, provided for by Subdivision 1 of Section 33 of the charter of the City of Austin, as amended by an act approved and effective September 21, 1901, of "1 per cent on all property within the limits of said city made taxable by law for State and county purposes, the money raised by said taxes to be used for the current expenses and for general improvement of the city and its property," "one-fourth of 1 per cent of the total taxable values as aforesaid"; that is to say, a tax of one-fourth of 1 per cent out of and as a part of said authorized tax of 1 per cent for said year of 1902 and succeeding years, is hereby by said City Council levied and pledged for the liquidation, settlement and payment of the money due and payable or to become due under the terms of the contract herein authorized for the purchase of the aforesaid water plant, and this levy and pledge shall continue to be a binding and irrevocable contract until the purchase price of said plant shall have been fully paid and discharged.

(5) The payments under the terms of the contract hereby authorized and entered into shall be made on or before the 1st day of April of the year 1903, and of each and every year thereafter, until the discharge of the entire amount due, or which may become due by virtue of the terms hereof; and the said City of Austin hereby pledges itself and its said City Council to place upon the budget provided for by the charter of said city, and at the time therein provided, an amount sufficient for

the payment of that which would that year become due under the terms of this contract for the purpose of such payment, and further obligates itself to annually appropriate and set aside before the first day of April of each year the sum of \$22,500.00 for the payment of the obligations here undertaken, until the same shall have been fully paid off and discharged.

The terms of the contract which is hereby authorized and entered into may, at the option of said J. W. Hamer, representative of the creditors of said companies, aforesaid, be incorporated in a judgment against the said City of Austin in any cause now pending between the City of Austin and Joseph Nalle, receiver, or in the case of Huey et al. vs. City Water Company et al., pending in the Circuit Court of the United States, or in a cause to be instituted in said court, and R. E. White, Mayor, and V. L. Brooks, City Attorney, are hereby authorized and empowered to enter an appearance or accept service in any or either of said causes for the said City of Austin, and to have judgment, or judgments, entered in accordance with the terms hereof, and enforcing performance of said terms by mandamus or otherwise, and to have such further orders entered, and such further action taken therein as may be necessary or proper in giving effect hereto.

The obligations herein undertaken shall not be binding upon the said City of Austin until the plant of said Austin Water, Light and Power Company, as hereinbefore described, shall have been conveyed and delivered to said city, without incumbrance of any character (including city, county and State taxes, except such taxes, if any, for the year 1902) upon the same; the acceptance of said plant by the city being evidence that this provision of the contract has been complied with by the sellers. The plant aforesaid shall be conveyed and delivered as herein provided within sixty days from the final passage and approval of this ordinance. The contract herein authorized and entered into does not operate as a discharge of the judgment hereinbefore recited, or of the judgments auxiliary thereto, but the full and complete fulfillment of the terms of this contract shall operate as a discharge of said judgments, and any other claim or claims which the companies aforesaid, or their receiver, may have against the city.

The contract herein provided for may be further evidenced by an instrument of writing setting forth the provisions of this ordinance and the obligation undertaken by the City of Austin, and the undertakings of the sellers of the plant aforesaid, which instrument R. E. White, Mayor; Jno. O. Johnson, City Clerk, and V. L. Brooks, City Attorney, are hereby authorized to execute in behalf of said city.

Passed August 4, 1902.

Approved August 6, 1902.

AN ORDINANCE TO GRANT TO NELSON DAVIS, OF AUSTIN, TEXAS, HIS HEIRS AND ASSIGNS, THE PRIVILEGE AND RIGHT TO ELEVATE THE SIDEWALK ON THE NORTH SIDE OF LOT 7 IN BLOCK 29 IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, TO THE HEIGHT OF THE FLOOR OF ORDINARY FREIGHT CARS, PROVIDING THE ACCESS TO BE NOT LESS THAN A SLOPE OF TWO AND ONE-HALF FEET TO ONE FOOT OF ELEVATION, AND SATISFACTORY TO THE CITY ENGINEER OF THE CITY OF AUSTIN, AND PROVIDING THAT THE OWNER KEEP SAID SIDEWALK AND APPROACHES IN REPAIR, AND ARE LIABLE FOR ALL DAMAGES CAUSED BY NEGLIGENCE IN THAT RESPECT.

SECTION 1. *Be it ordained by the City Council of the City of Austin:* That Nelson Davis, of Austin, Travis County, Texas, as the owner of Lot 7 in Block 29 of the City of Austin, in Travis County, Texas, and his heirs and assigns, are hereby granted the privilege and right to elevate above the level of the street, and forever maintain, the sidewalk on the north side of said lot to the height of the floor of ordinary railroad freight cars, to facilitate loading and unloading from railroad cars run on the north side of said lot.

SEC. 2. Said Nelson Davis, his heirs and assigns are required to give access to such sidewalk from the east and west ends by means of a sloping approach of not less than two and one-half feet to each foot of elevation; and provided further, that said approach must be made to the satisfaction of the City Engineer, and his satisfaction to be expressed in writing and filed with the City Clerk.

SEC. 3. It is further provided that the owner or owners of said lot, or any part thereof, are, each for himself, required to keep, to the extent of his or their ownership, said sidewalk and the approaches thereto in repair, and failure on their part to so repair makes the respective owner or owners liable for all damage accruing to his or their property by reason of such neglect, and such owner or owners at the time any accident occurs are required to indemnify and save the City of Austin harmless from any damage that may accrue to it by reason of such neglect.

Passed July 17, 1905.

Approved July 19, 1905.

GULF REFINING COMPANY.

Be it resolved by the City Council of the City of Austin: "That the Gulf Refining Company of Port Arthur, Texas, is hereby granted permission to build and erect, on what is known as the north one-half of northeast one-fourth of Outlot No. 2, Division O, City of Austin, Texas, the same being situated south of Block No. 4, Outlot No. 2, Division A, and between Medina and Waller Streets, and north of Lots Nos. 34 to 44, Outlot No. 2, Division O, of said city, one or more steel tanks for the storage of oil and oil products, to be built on brick or rock foundation; also a warehouse about forty feet square, of galvanized iron sides and roof, also for storage of oil and oil products. The quantity of oil or oil products to be stored or warehoused is hereby permitted to be over two hundred and fifty gallons.

Passed September 25, 1905.

Approved September 28, 1905.

AN ORDINANCE GRANTING THE RIGHT TO WM. J. LEMP TO
EXTEND THE PRESENT RAILROAD TRACK NOW IN OLD
COURT HOUSE SQUARE EAST ACROSS GUADALUPE
STREET INTO LOT NO. 1 IN BLOCK NO. 27 OF THE CITY
OF AUSTIN.

Be it ordained by the City of Austin through its Council as follows: That Wm. J. Lemp be and is hereby given the right to extend the present track of the International & Great Northern Railroad now in old court house square of said city east across Guadalupe Street into Lot No. 1 in Block No. 27 of the City of Austin, County of Travis, State of Texas.

That in making the crossing over Guadalupe Street, as aforesaid, said Lemp shall sink the ties below the natural surface of the ground to such depth as to leave the tops of the iron rails thereon not exceeding one inch in height above the natural and level surface of said street and shall plank the said rails on both sides of each rail to the full width of said street with good and suitable planks and shall keep and maintain the same in this condition.

This ordinance shall take effect from and after its passage.

Passed November 15, 1886.

Approved November 19, 1886.

GRANTING PERMISSION TO S. NETTER, A. GEISMAN & CO.,
OR THEIR LESSEES OR VENDEES, TO CONSTRUCT
A RAILROAD TRACK, SPUR OR SWITCH
ON EAST FIFTH STREET.

Be it resolved by the City Council of the City of Austin: That the petition of S. Netter, A. Geisman & Co., asking permission to construct a spur or switch track from the siding or switch of the Houston & Texas Central Railroad Company, to be connected with said siding or switch at a point thereon nearly opposite the east end of Block No. 1 in Outlot No. 1 of Division A of the City of Austin, and to run from said point of connection across East Fifth Street in a westerly direction to and along the line of a warehouse used by petitioners for storing cotton seed, situated at the corner of East Fifth Street and East Avenue, be and the same is hereby granted, and the said S. Netter, A. Geisman & Co., or their lessees or vendees, are hereby granted permission to construct, under the supervision of the City Engineer and the Street Committee of the City of Austin, such spur or switch track as hereinbefore set out to be used by said petitioners, their lessees and vendees, and the Houston & Texas Central Railroad Company, for the purpose of passing cars over said track in the delivery and removal of freight to and from said warehouse, and the lots upon which same is situated.

This privilege is granted upon the condition that said S. Netter, A. Geisman & Co., and the person constructing said track across said street, shall hold the city harmless from all damages that may result to any person by reason of the construction of said railroad spur or switch track across said street; provided said switch track shall at all times be kept so as not to interfere with public travel.

This resolution shall take effect from and after its passage.

I, Jno. O. Johnson, City Clerk of the City of Austin, Texas, do hereby certify that the above and foregoing resolution was passed by the City Council of said city at a regular meeting of same, held on the 21st day of January, 1901, and that said resolution was placed in the City Clerk's office immediately after its passage on said 21st day of January, 1901, and that the Mayor of said city failed to approve or to signify his disapproval of same for a longer period than ten days after said resolution was placed in the City Clerk's office.

JNO. O. JOHNSON,
City Clerk,

AUSTIN, TEXAS, February 1, 1901.

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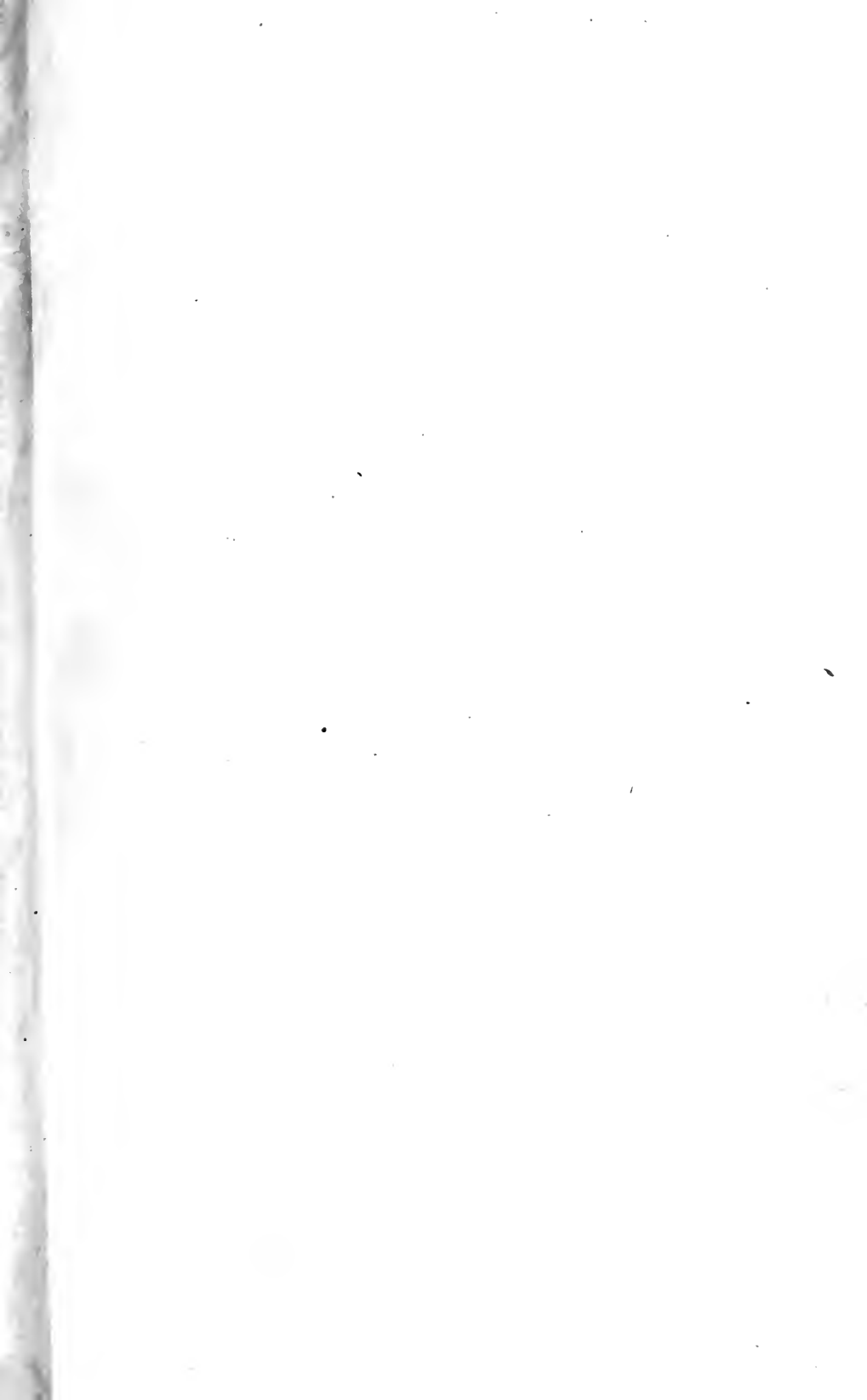
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